Administration of Civil Justice. U. C. Previous 1841 to 1846

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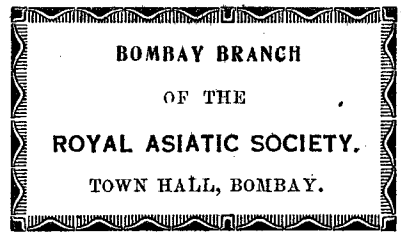

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REPORT

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH-WESTERN PROVINCES;

ON THE

ADMINISTRATION

134161

OF

CIVIL JUSTICE;

FOR THE YEAR

1842.

5 784 6

AGRA:

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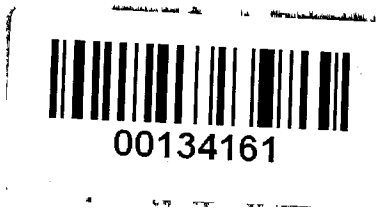
1843.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REPORT.

—0-0-0-0—

No. 1822 OF 1843.

FROM G. F. EDMONSTONE, ESQUIRE,

Offg. Register to the Court of Sudder Dewanny Adawlut,
ALLAHABAD.

To R. N. C. HAMILTON, ESQUIRE,

Secretary to the Hon'ble the Lieut. Governor in the Judicial Dept., N. W. Provinces,
AGRA.

Dated, Allahabad, 1st September, 1843.

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, and } Esquires.
F. Currie,
Judges.

SIR,

I have the honor, by direction of the Court of Sudder Dewanny Adawlut, to submit the accompanying Reports and Statements according to annexed list, in illustration of the administration of Civil Justice in the North Western Provinces during the year 1842.

DELHIE.

2. Paragraph 6, of the civil report for 1841, referred to an arrangement, then under discussion, for remodelling part of the judicial agency of this zillah, by abolishing certain of the courts presided over by a Sudder Ameen, and substituting a Moonsiff instead—with chief reference to the number of suits cognizable by the former grade being much too few to warrant the continuance of the more expensive, for the performance of work capable of execution by the inferior and less costly officer. The plan, when matured and submitted to Government, was sanctioned by your letter, No. 1519, dated 9th August, 1842, and took effect; and paragraphs 16 to 22 inclusive, of the Judge's report for 1842, dwell on its mode of operation. Subsequently, the late Lieutenant Governor, in noticing the change,(a) seemed to apprehend the possibility of too much having been reduced, and that further aid might be found to be required for the convenience of the people, and it was desired that the sentiments of the Judge and Commissioner might be obtained on the point. It will be seen that the only matter appearing to Mr. Lindsay, the Judge, to need reconsideration,(b) is the abolition of Sudder Ameen's court at Paneeput, which, he thinks, and apparently gives grounds for thinking, should be restored: considering, however, the recency of the alteration, and the fallibility of any arguments based on returns of so short a period, the Court have thought it best to maintain the experimental measure untouched for one year more, at the end of which the Judge will be more able to give a useful and trustworthy opinion, and the Court to act accordingly. To this effect a communication has, therefore, been made to the Judge, and my address of 3rd June last, No. 1116, showed to Government reasons why the office of Sudder Ameen of Goorgaon [destined for abolition in the original scheme of reforms, but still in existence by reason of no provision having been found for the incumbent] should be maintained for the present in force and unreduced.

JUDGE.	
Headings, Nos. 1 to 14, ...	517
——,,——,,— 15 to 17, ...	2838
	3355

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14, ...	584
——,,——,,— 15 to 17, ...	480
	1064

(a) Paragraph 5 of your letter to Register, No. 2109, dated 10th Nov. last.

(b) Paragraphs 18 and 19 of his letter, dated 27th April last.

3. The opinion of the Commissioner has not been omitted to be obtained—it is in favor of the continuance of the higher grade of Sudder Ameen; not based, however, on any calculation of the adequacy or inadequacy of suits triable by that class of functionaries, but having reference to general considerations of the inexpediency or supposed inefficacy of any judicial agency of grade inferior to a Sudder Ameen, and, therefore, not possessing any practical weight on the present occasion. At the same time, the Commissioner and Lieutenant Robinson, Superintendent of Bhuttee, have expressed so strong an opinion for the location of a Sudder Ameen's court at Sirsa, and against the abolition of the Sudder Ameen's court at Hissar—that measure, and the transfer of the Hissar suits to Rohtuck being

said to be very unpalatable to the inhabitants of that part of Hureeanah—that, while the figured data presented by the Judge are certainly far from representing the necessity of what those officers advocate, the Court have desired, that these two points also should be considered in connexion with the mode in which the entire modified arrangement of the native judicial tribunals shall have been found to work, and the subject will be most fitly included in the Judge's next yearly report.

4. The state of civil business in this district is not otherwise than favorable; a decrease in the income of suits of above 300 accounts for a diminution of 339 in the number of decisions, as compared with the year preceding, the general file being also somewhat lighter at the close of the period under report. The only regular suits nominally of date prior to 1842 [of 1841 before the two Delhie Moonsiffs] were 2, which had been sent back for retrial at the latter end of the past year; and, in the miscellaneous branch of work, a petition from a pauper [of 1838] before the Judge was received back from the Sudder Dewanny Adawlut at the end of December last. The business transacted by Mr. Lindsay, as Judge, comprised the trial and decision of 168 regular suits [of which all but 6 were appeals], the disposal after investigation of the merits of miscellaneous work described in the margin,(a) and occupation in session trials and criminal appeals for 76 days, including a circuit in the month of October to Hansee. Government are aware, that all the sessions and circuit duties heretofore devolving on this Judge, but temporarily in part assigned to another officer [additional Sessions Judge of Meerut], have been restored to the Delhie Judge's jurisdiction. The Court had before them(b) 6 appeals from Mr. Lindsay's court during the past year, and confirmed his judgment in 3, remanding the rest.

STATEMENT No. II.
(a) Headings, 1 to 14, ... 282
Headings, 15 to 17, ... 2836

(b) 3 Regular.
3 Special.

5. The decision by the Principal Sudder Ameen, Moolvee Mohumud Sudroodeen, of 370 regular suits, viz. 135 original and 235 appeals, could not have been exceeded in amount with regard to the state of his file, on which 75 suits only were pending at the end of the year. His miscellaneous civil work disposed of after investigation is noted in the margin;(c) it comprehended 142 decrees executed in full, and 69 in part. He decided 160 criminal cases, wherein 395 persons were implicated, and reported on some more referred by the Magistrate. This officer continues to command, and deserve, the applause of his superiors: he is called by the Judge "a tried and faithful servant of Go-"vernment, equally distinguished by the general correctness of his decisions, and the speedy disposal of "his cases." 34 appeals, regular and special, from his court were brought to decision by the Judge, who upheld his judgment in 20, modified it in 5, reversed it in 8, and sent back 1 case by remand.

(c) Headings, 1 to 14, ... 402
——,,— 15 to 17, ... 480

6. The change effected in the constitution of the inferior judicial agency after the middle of the past year, while it must have naturally caused interruption to the operations of the courts affected by it, has not been productive of any accumulation or arrear; and the decision after trial of 105 suits by the Sudder Ameens, and 2321 (d) by the same and other officers as Moonsiffs, seems to have been all that the state of their files and the circumstances admitted the disposal of, while the promptitude of decision is stated as "most satisfactory to the people." By the Sudder Ameen of Delhie 51, and by the Goorgaon officer of the same grade 46, criminal cases were likewise disposed of. The miscellaneous civil performances of these courts included the complete execution of 869 decrees, and the partial enforcement of 597. Of the appeals 128, viz. 35 from the Sudder Ameen's, and 93 from the Moonsiff's, were heard by the Judge, who confirmed the order in 18, or about ½, of the former—and in 44, or less than a moiety, of the latter. Of the whole number, 66, in which the order was interfered with, modification or reversal occurred in 42, and remand in 24. The Principal Sudder Ameen also tried 21 Sudder Ameen's appeals, and upheld their decision in only 9; and 214 Moonsiff's appeals, of which the order in 125, or more than 58 per cent, was allowed to stand; of the 101, wherein interference was exercised, reversal or modification happened in 91, and remand in the case of 10. The result of trial of appeals by both tribunals gives 196 orders confirmed, to 167 otherwise disposed of; and it cannot be considered other than unfavorable.

(d) Of which—On confession of judgment, 897
,, Exparte, ... 539

SAHARUNPORE.

7. An increase in the income of cases, as compared with 1841, of almost 700, appears referrible almost wholly to suits coming before the Moonsiffs' courts,—the existing establishments being shown to be equal to the work by the fact of a small reduction in the number of cases pending at the end of December last, in comparison with the same period of the year preceding. The only regular suits on the files of this zillah, older than 1842 at its close, were 3 before the Principal Sudder Ameen; the protraction of which, caused by the papers having been detained by the Sudder Dewanny Adawlut, to investigate the circumstances of a document belonging thereto appearing to have been abstracted in their office, was beyond the control of that officer. The proceedings in question were received back in the zillah at the end of March, and were to be brought forward for immediate decision.

JUDGE.
Headings, Nos. 1 to 14, ... 625
——,,—— ,, 15 to 17, ... 4575
5200

2 PRINCIPAL SUDDER AMEENS.
Headings, Nos. 1 to 14, ... 949
——,,—— ,, 15 to 17, ... 353
1302

8. Similarly, the cases of execution of decree older than the year under report were but 4, before the Judge [3] and Principal Sudder Ameen [1], and an equal number before one Moonsiff [of Deobund]; in reference to the latter, the incumbent of the office was, as stated in the Judge's letter, of a greatly advanced age, 84, [an age indeed, in the Court's estimation, far beyond capability of active or useful employment]—and has since retired on a pension. The March statement, however, shows only one of the above cases. The cases of 1841 on the files of the higher tribunals had also all, save one, disappeared by the close of the first quarter of 1843; but the Court stated their opinion to the Judge that they might have been sooner disposed of, but for the apparently dilatory proceedings in the judicial as well as revenue departments, judging from the instance gathered from the December statement, as quoted in the margin.*(a)*

3RD CASE BEFORE JUDGE.

(a) On 12th February 1842, request was sent for the sale of defendant's zumindaree right; on 12th May the Collector inquired the name of defendant's father, which information was forwarded to him on 21st September [*or 4 months and 9 days after*].

9. The Judge, Mr. G. W. Bacon, decided on trial 312 appeals, and passed orders on the merits of 326 miscellaneous cases under headings 1 to 14 statement No. II.,*(b)* acting exclusively in his appellate capacity, and having been engaged 172 days in the civil, and 70 in the sessions court. He had a moderate file at the end of the year. The Principal Sudder Ameen of Saharunpore, Mohumud Hosein, stated to be in good estimation with the public, and a steady officer, could not decide more than 182 original suits after trial, even with the help of a transfer to him of some Moonsiff's cases, his file having been very inconsiderable at the end of the year—which appears to denote an inadequacy of work for a judicial officer of his grade. The Judge commends his performances in carrying out the execution of decrees. He passed orders on the merits of 380 miscellaneous cases [of which 177 were decrees fully executed] under headings 1 to 14,*(c)* and slightly aided the Magistrate by trying 13 criminal cases; 24 regular appeals confirmed, to 11 in which his order met with modification or reversal by the Judge, bear out the favorable opinion of the Principal Sudder Ameen's judgment given by that officer. The Court had also 2 regular appeals before them, confirming the decision in one, while the other was adjusted.

(b) Also 4575 orders under the 3 remaining headings.

(c) Also 258 other orders.

10. The 5 Moonsiffs of zillah Saharunpore seem entitled to credit for their exertions, having decided on trial 2542 *(d)* regular suits, and given orders after investigation on 917 miscellaneous cases, of which 734 were decrees struck off after full completion. The Court are pleased to observe, that Mr. Powell, Moonsiff of Saharunpore, continues to maintain his high character, and that his judgment is so well approved, as the interference with his order in only 18 out of 76 appeals from his court decided by the Judge [little more than one-fourth] indicates. The result of appeals from the other 4 Moonsiffs was likewise favorable, their decisions having been upheld in 132 out of 193 cases tried, or more than 68 per cent.

(d) Of which decided
Exparte, ... 754
By ikbal dawa, ... 749

11. As regards the Dehra administration, also under the superintending control of this Judge, as much business seems to have been performed in all the civil departments as the state of the files permitted. The offices of Principal Sudder Ameen and Moonsiff held separately, both by covenanted officers, [the latter, however, for half the year only] have, since this year began, been incorporated, and are administered by a single officer, Mr. H. Vansittart. It will remain to be seen in what manner this new arrangement will work, and whether, with reference to the probable progressive increase of litigation in the Doon tract, the civil duties will admit of effective discharge at the hands of one variously-employed functionary. The matter of the Dehra Doon civil establishment, and its strength, is already before Government—[see the correspondence quoted in the margin];*(e)* and the application of Mr. Bacon for the assignment of the redundancy to meet alleged deficiencies on his own establishment, has been disposed of by the Court.

(e) From officiating Register to Govt. N. W. P. dated 15th March, 1843, No. 624.
From Government in reply, dated 26th April, 1843, No. 2106.

MEERUT.

12. The regular suits, older than 1842 pending at its close in this district, were confined to the courts of the Principal Sudder Ameen and Sudder Ameen, which showed 23 cases of that kind, and to that of the Judge, whose file exhibited 43 appeals *(f)* of the same sort. The statement for March last represents only 11 original suits of earlier date than the past year as depending, when that month ended, before the two former officers, while the Judge's appeals had been reduced to 22 *(g)* older than the period reported on. The interruptions caused by the Judge, Mr. Begbie's absence on leave and employment as Acting Commissioner, and by the occupation of his locum tenens, Mr. J. S. Clarke, chiefly in the sessions and criminal department, with but small leisure for civil duties, are adduced as the cause of this accumulation of appeals; otherwise, Mr. Begbie stated, "there would not have been a case of longer standing than the year."

JUDGE.

Headings, Nos.	1 to 14, ...	472
——,,—— ,,	15 to 17, ...	3203
		3675

2 PRINCIPAL SUDDER AMEENS.

Headings, Nos.	1 to 14, ...	730
——,,—— ,,	15 to 17, ...	169
		899

(f) 42 of 1841.
8 of 1840.

(g) Of 1841.

The else unsatisfactory fact of no steps at all having been taken, up to the end of 1842, in some appeals instituted as long before as October, 1841, was thus accounted for.

13. On the miscellaneous files, 19 cases, pending beyond twelve months before the Judge when December ended, other than executions of decree, had been reduced by the end of January to 6; and of 27 applications to execute decrees, of the same kind, before the Principal Sudder Ameens, the Court observe there were only 3 remaining by the close of the first quarter of the current year. Before the Moonsiffs the cases of this sort were but few. Though, however, the present aspect of business is favorable, and though the general efficiency and industry of the courts are shown by the small comparative increase of suits pending when last year closed above the corresponding period in 1841 [not much in excess of 100], while the number of cases before the courts was greater by above 800 in the year under report,(a) the Court must not omit to notice their having had cause to be much dissatisfied with the Principal Sudder Ameen(b) of Meerut, on account, principally, of his large and increasing file of execution of decree cases being so inadequately met by industry with a view to its reduction on his part, as the extract cited in the margin (c) will denote. The censure of the Court on this point having been met on the Principal Sudder Ameen's part by an attempt at self-justification, and ascription of fault to his predecessor in office, with an enumeration of various irregularities found to exist, as left by the latter on vacation of his charge, a call was made, for inquiry and report, on the Judge, copy of whose reply, dated 24th March last, No. 61, is herewith submitted in Appendix [A.]; and while the result leaves the efficiency of Mr. Begbie's superintendence unquestioned, it is less satisfactory in exculpation of the Principal Sudder Ameen, to whom, however, what has occurred will not be without use, the Judge stating [paragraph 18] that a communication of the Court's displeasure has already been productive of good effects.

(a) *Note.*—A result chiefly indeed creditable to the Moonsiffs' courts.

(b) Newab Ubdoola.

(c) "Considering the very heavy state of his file in the instance of cases of execution of decree [increased since the end of August by the removal of the Principal Sudder Ameen of Boolundshehur] the amount of his performances, as shown below, in August and September, appears to the Court to be culpably inadequate."

	Settled on merits in	Pending at end of	Of which older than year.
August,	6	322	54
September,	11	391	41

14. The restriction of work done in the Judge's court to 125 (d) appeals decided after trial, together with the miscellaneous business noted in the margin,(e) is sufficiently explained by what has been said above; 3 special appeals from Mr. Begbie's orders came before the Court, who confirmed the judgment in 2, and sent back 1 by remand. Paragraph 17, of the Court's report on civil justice for 1841, alluded to the abolition [which took place towards the end of August, last year] of the office of Principal Sudder Ameen of Boolundshehur, a Sudder Ameen being substituted for that functionary, with jurisdiction in the entire zillah; and the transfer of the Sudder Ameen's court to Meerut, as recommended in the Judge's 16th paragraph, forms the subject of a separate reference.(f) As this latter officer had scarcely commenced to administer his new office when the year ended, his mode of proceeding has not been adverted to; but there may be reason to suspect, that in him the period of life for very efficient service has nearly past. The two Principal Sudder Ameens' performances, as marginally detailed, must be estimated with reference to the time they were respectively at work. Newab Ubdoola Khan, the present Principal Sudder Ameen, not having entered on his duties before March, no appeals from his court having been decided when the year ended, the Judge only notes in his favor the fact of a much smaller proportion of appeals to decisions in his case than in that of his predecessor [the appeals decided by the Sudder Dewanny Adawlut are expressed in the margin]: (g) and with reference to the Judge's testimony in his behalf as a native judicial officer of high character for integrity and ability, from whose labors at Meerut he anticipates great benefit, the Court would further add, that they have been the more particular in animadverting on instances of want of diligence and wrong or negligent procedure, because the Newab receives the higher rate of salary assigned to a portion of the Principal Sudder Ameens under the Resolution of Government, dated 2nd October, 1837; and the Court deemed it useful to have him reminded, that this distinction was not necessarily permanent or untransferable, but could, if ceased to be merited by its present, be conferred on some more worthy holder.

(d) Mr. Begbie, ... 100
Mr. Clarke, ... 25
Disposed of on merits.

(e) Headings 1 to 14, .. 120
Remaining headings, 3200

(f) My letter to you, No. 880, dated 5th May.
Your reply, No. 2632, dated 25th idem.

Principal Sudder Ameen of	*Decisions.* Original.	Appeal.	*Miscellaneous cases on merits.*	*Of which decrees fully executed.*
Meerut,	136	92	109	76
Boolundshehur, [For about 8 months.]	90	63	287	73

(g) Syud Wilayut Ulee, of Boolundshehur, . 1 regular appeal, case remanded.
Newab Ubdoola Khan, of Meerut, ... 1 regular appeal, order confirmed.

15. A favorable estimate, in which the Court concur, is formed by the zillah Judge of the exertions of the Moonsiffs of this district, seven in number, whose decisions amounted in the aggregate to 2812 suits,(h) and of whom one only, the Moonsiff of Khutowlee, fell short of the minimum rate—a

(h) Of which—
Exparte, ... 932
On judgment confessed, 930

failure caused by the office having remained vacant till the middle of March. Their work in the miscellaneous department comprised 723 decrees fully executed, and the partial enforcement of 1317. Taking the doubtful criterion of appeals decided after trial, the correctness of judgment of the Moonsiffs, as a body, would not be inferred, the number of orders modified or reversed [96] having fallen little short of the number confirmed [109]; but, looking at the proportion of appeals to cases decided, a more favorable view is presented. The Judge's commendations of Baboo Shama Churn, Moonsiff of Meerut, ranked first in the list, appear deserved; and the Court, adverting to certain charges made against another Moonsiff, holding a diploma, of this district, Runjeet Sing, of Khutowlee, brought to their notice by order of Government in your letter to my predecessor, No. 611, dated 6th April, 1842, take this opportunity of submitting, for the perusal of the Honorable the Lieutenant Governor, [in Appendix B.] a report in original from the Judge of Meerut, dated 24th December last, and copy of the Court's reply of 14th January, entirely absolving Runjeet Sing from suspicion on account of the imputations in question, which appeared to have originated in malice.

16. Considerable inequality of business in the courts of some of the Moonsiffs [falling with especial heaviness on that of Hauper,] has been repeatedly noticed as requiring adjustment, and suggestive of a revision of jurisdictions, which Mr. Begbie states, only to be delayed by the non-completion of the settlement of thannah boundaries in the Boolundshehur district.

17. Mr. Begbie's comments in his 25th paragraph on the operation of Regulation VI. 1832, throwing doubts on the utility of assessors in civil cases, from the propensity of the native character to corruption and intrigue, cannot, unsupported by facts, possess weight or command attention, as telling against the system; and Mr. Begbie is wrong in asserting, that the use of native assessors or jurymen involves any "delegation of judgment" on the part of the Judge, beyond what he pleases, to that agency.

18. Adverting to his 30th paragraph, Mr. Begbie will be told that the practice of the presiding Judge of a court himself conducting the examination of witnesses in suits before him, heretofore prevalent, has by him been rather hastily and inconsiderately pronounced objectionable, and stopped. The Court cannot agree in his inference, that such a course encourages irrelevance of interrogation and needless expansion of evidence; the natural supposition would be just the contrary. The auxiliary intervention of the parties or their vakeels is, of course, allowable, and the avoidance of undue occupation of the presiding officer's time is left within his discretion; and proper precautions, at the same time, pointed out, by the extract of circular order, dated 4th January, 1841, [No. 127 of vol. III. part IV.] quoted in the margin,(a) to which he ought not to have failed to refer, and a consideration of which may perhaps suggest some modification of his prohibitory order.

(a) "Para. 8.—It being the evident intention of the Regulations, and most desirable for the ends of justice, that witnesses in civil suits should, in all possible cases, be examined viva voce by the authority who conducts the trial and decides on the merits of the case, this course is to be followed as much as practicable; but when necessity may require the employment of native officers in this duty, the provisions of Clause 1, Section 2, Regulation XXVI. 1814 should be duly observed, and the officer so employed should be informed, by a proceeding held in pursuance of Section 10, of that enactment, of the point or points on which the examination is to be taken, and told not to allow the parties or their vakeels to question the witnesses on other points; and the grounds of necessity which may compel a recourse to such auxiliary agency, and hinder the personal examination of the witnesses by the court trying the case, should, in each instance, be recorded on the proceedings."

ALLYGURH.

19. This zillah, together with the districts of Agra and Mynpooree, and part of the Furruckabad Moonsiffee jurisdiction, was inspected by a Judge of the Sudder Dewanny Adawlut [Mr. G. P. Thompson], who went on circuit during the past cold season, and who, directing his attention more particularly to the Moonsiffs' courts, adopted the principle of examining one month's decisions, both in regular suits and in the very important branch of execution of decrees, of each such office; not so much entering into the merits of the decisions, as, in order by this means, to ascertain the mode of procedure of each tribunal, and discover and correct such errors and defects as might be found to prevail in practice. In the course of his tour Mr. Thompson thus inspected

Judge.	
Headings, Nos. 1 to 14,.. ..	311
" " 15 to 17,.. ..	7867
	8178

Principal Sudder Ameen.	
Headings, Nos. 1 to 14,.. ..	769
" " 15 to 17,.. ..	525
	1294

Regular suits, ... 788

Execution of decree cases,.. .. .. 595; and the mode, in which he has put on record the result of his observation of these and other matters—while, from its diffuseness of detail, and unsuitableness of form [being in the shape of a diary], it is unsusceptible of submission with this report—has yet proved practically efficacious and useful, in admitting of the Court at large extracting such parts as seemed to deserve it, and noticing errors of procedure to the several Judges for the correction and admonition of their subordinates. It will, therefore, be sufficient to submit, in the Appendix, transcripts of the orders thus issued, in treating of each zillah visited by Mr. Thompson: but as the Honorable the Court of Directors have signified (b) their desire to be furnished

(b) In extract which accompanied your letter, No. 2411, dated 12th May last.

"with a report, as brief as circumstances will allow, of such observations, as may be made by any Judge of the Sudder Court deputed as Special Judge," the Court will make arrangements for the remarks of the travelling Judge being in future recorded in a form, that shall admit of submission for the object stated.

20. Copy of a communication made to the Judge of Allygurh on the subject just noticed is, in the mean time, subjoined hereto, in Appendix [C].

21. The following note shows the state of business, regular and miscellaneous, before the courts of this district older than 1842 at the end of that year—[the old cases of execution of decree left unrecorded, and restored to the file under orders of 4th October, 1839, not being, however, included].(a)

(a) *Note.*—This arrear [the nature of which a reference to former reports will fully show] was much reduced, being at the end of 1842, 13 cases of execution of decree on the Judge's, and 65 on the Principal Sudder Ameen's, files.

Regular Work.—Appeals before Judge, ...	23
ORIGINAL SUITS.	
Principal Sudder Ameen, ...	8
Moonsiffs, ...	1
Miscellaneous Work.—Judge—headings 1 to 15, ...	8
heading 16, ...	4
Principal Sudder Ameen—headings 6 and 10, ..	3
headings 16 and 17, ..	2
Moonsiffs—Execution decree, ...	20

7 of the 8 cases before the Principal Sudder Ameen had been remanded and put back to their original number and year in November last, and the suit before the Moonsiff late in December; 17 out of the 20 cases of execution of decree before the Moonsiffs were on the files of two officers, named in the margin,(b) and in respect both to this and the other business of long-standing, including the 23 appeals before the Judge, the Court need only remark, that it had been almost all reduced by the end of April, only 2 or 3 of that class of cases being at that period undisposed of, and the Judge not anticipating a re-appearance of such arrears.

(b) Moonsiff Koel, ... 11
— ,, — Ryah, ... 6

22. The Judge, Mr. Tierney, returning from leave to the Cape, assumed charge in March, 1842, under difficulties, which he alludes to in the opening part of his report: with 4 months' arrears of civil business to reduce, and an unusual increase of sessions duties,(c) excuse was admissible for instances of delay, that would else have called for reprehension; since of 16 appeals of 1841 [instituted at various periods of that year], which were depending at the close of last December, the appeal, in a portion, had only been *admitted* towards the end of the year under report: some discussion has occurred whether, to prevent a continued accumulation of work, auxiliary agency, beyond the one Principal Sudder Ameen now employed, may not be needed. If a recent statement made by the Judge, that the monthly average income of appeals for the past 5 years does not fall far short of 30 [miscellaneous business of all kinds and criminal duties not being included], be correct, there seems much cause to anticipate such necessity; but it may be possible to meet the exigency by a transfer of jurisdiction, or in other mode, which being yet immature, is not herein further alluded to.(d)

(c) *Note.*—*Session and Criminal work occupied in*
1841, ... 36 days.
1842, ... 74 ,,

(d) *Note.*—My letter, No. 1165, dated 10th June last, brought before Government the Court's objections to the proposal for conferring the post of Sudder Ameen on the Mahomedan Law Officer.

23. The decision on trial of 149 appeals, and passing orders on the merits of 162 miscellaneous cases [headings 1 to 14],(e) comprised all the work done in the Judge's court, from which 2 special appeals were disposed of by the Sudder Dewanny Adawlut, Mr. Morrieson's order having been confirmed in one, while the other was remanded. The regular decisions of Zuhoor Ulee, Principal Sudder Ameen, 303, of which 229 were original suits, and the rest Moonsiff's appeals, exceeded the rate attained in 1841; in the miscellaneous branch, too, he was industrious, passing orders on the merits of 726 cases;(f) out of 53 regular and special appeals from his court tried and adjudicated by the Judge, the Principal Sudder Ameen's order was confirmed in 33, or better than 62 per cent—3 regular appeals also came before the Sudder Dewanny Adwalut direct, but were adjusted. "Zuhoor Ulee," remarks the Judge of the Court on circuit, "enjoys the credit of being a good and upright servant of Government, and certainly from the conversation I had with him, I have no reason to think otherwise." With regard to debts said to have been contracted at Allygurh, and to be due to persons residing within his jurisdiction, the Court have observed to the Judge, that as no complaints of partiality in the Principal Sudder Ameen's decisions have been made, and as the Judge sees no reason to question his

(e) Besides 7680 under the 3 remaining headings.

(f) Headings 1 to 14, ... 230
[Of which 113 were decrees executed in full.]
Headings 15 to 17, ... 496

integrity, or to infer past or probable future injury to the public interest from his continuance at his present post, they do not at present think his removal necessary, but that this officer should be cautioned to use his best endeavors for transferring or liquidating his debts; nor will the Court object to second any reasonable application he may submit [as mentioned in the Judge's 7th paragraph] for leave of absence, though no exception to the rules laid down for mulcting absentees' allowances can be made in his favor.

24. There are seven [7] Moonsiffs in this district, whose decisions on trial amounted to 2558 (*a*) cases—all except one Moonsiff exceeding, and some [those of Koel, Hattras, and Julasur] much exceeding, the fixed minimum rate: of the unfavorable circumstances, now long attaching to the judicial and private character of the exception, Kunhya Lal, Moonsiff of Utrowlee, Government have been apprised in para. 27 of the Court's report on civil justice for 1841, and previous communications; and a full consideration of the facts detailed in the Judge's 14th para. of the disingenuous character of the Moonsiff's exculpatory statement, [amounting to absolute falsehood, as he had declared himself to the Judge of the Court on circuit free from debt,] and of his very low standard as a Judge, has now determined the Court to enforce the penalty of removal, to which he has justly become liable by his demerits. In consideration, however, of his long service, and the absence of imputations affecting his integrity as a Judge, the Court have deemed the recommendation of his application for pension to the indulgent liberality of Government to be admissible; the result of this application, which formed the subject of my address, No. 1258,(*b*) dated 22nd June, has not hitherto been communicated: it is lamentable, that a career of public employment, nearly extending to half a century [it appears he has served Government since 1795], should be thus, so little creditably, terminated. At the same time Kunhya Lal has had fair warning, and has been even tenderly and forbearingly dealt with. The 7 Moonsiffs' miscellaneous performances included, with a considerable mass of other work, the full execution of 953 decrees.

(*a*) Of which exparte, ... 580
„ on ikbal dawa,.. 1027

(*b*) Reply has been received since these lines were penned, and while the report was in the copyist's hands.

25. The large proportion of decisions on confession of judgment may excite notice. On asking for explanation in respect to one Moonsiff [of Julasur], of whose 87 decisions in one month 53 were so settled, the Court are informed, that the suitors in that jurisdiction are principally of the class of money-lenders called "bhorahs," who give loans to the cultivators of adjacent villages at sowing time, and threaten to take out attachment of their crops about the season of their in-gathering—thus compelling their debtors to come to terms for the adjustment and confession of their claims, when instalments are often agreed on between the parties. The Judge further adds, that the celerity of adjudication and execution of these simple suits in a measure accounts for their adjustment and confession of judgment, whereby heavy costs with interest are avoided by the defendants, and the plaintiffs are more readily inclined to receive the proffered instalments of their debtors.

26. The general result of appeals decided from the Moonsiffs' courts was not favorable to their judgment, the number in which the order was reversed or modified almost equalling the number confirmed. The suits in this district are, indeed, many of them, of apparently no easy kind; and in Hattras, considered the most difficult jurisdiction in the zillah, the population being described as "mostly a litigious money-making community, of very mixed character in their transactions," it has been deemed proper to replace the lately pensioned incumbent by transferring thither an officer of experience, Gholam Ghous, from Julasur, preferably to the appointment of a functionary new to office. A proposal made in the Judge's 20th para., for an alteration in the limits of the Moonsiffee jurisdictions, he has been told to submit separately in communication [as required by rule] with the Commissioner of the Meerut Division.

27. The Court, while convinced that the Judge would not, without a real necessity, so pressingly urge the claims, to be strengthened by additional agency, of the English establishment of his office, have abstained from any recommendation, in the belief that a general revision of the civil judicial establishments is contemplated, when the anomalies described by the Judge will command notice and receive correction.

MORADABAD.

JUDGE.

Headings, Nos.	1 to 14, ...	424
——„——„—	15 to 17, ...	3665
		4089

PRINCIPAL SUDDER AMEEN.

Headings, Nos.	1 to 14, ...	338
——„——„—	15 to 17, ...	757
		1095

28. Though the statements exhibit a comparative increase in the number of decisions by the courts of this district relatively to the year last reported on, also a lighter state of files at the end of the past year, notwithstanding the larger amount of business before the tribunals, thus appearing to represent the judicial agency as adequate, the Court have not been without apprehension of undue accumulation of work, especially in regular suits before the two higher grades of Judges. The following note expresses the number of cases, older than the period under review, as they stood at the close of three quarters of the past year:

Pending at end of	*Regular suits (original and appeal) of*			*Of which altogether older than one year.*
	1839.	1840.	1841.	
June,.....	6	23	405	66
September,.....	5	13 [Appeals]	162	80*
December,.....	1	5	41	47†

* Viz. 5 of 1839. 13 of 1840. 62 of 1841.

† Of which 39 appeals, viz. Judge, 31. P. S. Ameen, 8.

In the miscellaneous branch the arrear was smaller, being only

Execution of decree before Principal Sudder Ameen, older than a year,..... 4
Ditto ditto Sudder Ameen and Moonsiffs, ditto,..... 16

It was not, therefore, from any failure to diminish the above arrear, in which fair success marks the operations of the last quarter, so much as from a view of the income of appeals before the Judge, in connexion with the performances of that officer, that doubts presented themselves of the sufficiency of the existing strength of establishments: 148 appeals were brought to decision on trial in the Judge's court, and 659 were pending on his file when the year closed; of which, however, as explained in Mr. Benson's 5th para., a considerable proportion were then in course of transfer to the Principal Sudder Ameen's file, on which only 40 (*a*) suits were depending at the end of December. With reference chiefly to the recent succession to the last named office of a more efficient functionary, Mr. Macsween, who, in February last, succeeded Mr. Benson as Judge, has not deemed the appointment of an Additional Principal Sudder Ameen to be needed; and the Court hope such necessity may be avoided, by the continued exercise of exertion, and by a proper allotment of appeals for trial and adjudication to the Principal Sudder Ameen, whenever his file may permit the transfer.

(*a*) 24 Original. 16 Appeals.

29. The Court have not questioned, and do not question, Mr. Benson's good intentions and zeal; they have doubted the excellence of his *method* of conducting business, arguing from the results—and they have desired a greater degree of celerity in his operations, in order that he should, in some sort, keep pace with the demands on his energies. The Court are not, therefore, altogether satisfied with the spirit, in which paragraphs 2 and 3 of his address, written from Futtehpore, are penned. It is admitted, that the duties of the Moradabad Judgeship are onerous, and that the jurisdiction is perhaps immoderately large; but with these facts and admissions the particular matter objected to Mr. Benson had no concern. The Court not having been consulted by Government touching Mr. Benson's removal to another station, have nothing to say of his remark on that head; but they do not think it is quite becoming in Mr. Benson, while he claims for himself the merit of a conscientious exercise of "care and labor in doing justice between man and man," [praise which the Court are very far from wishing to deny him,] at the same time to impute to the superior Court the indiscriminate desire to urge on rapidity of decision 'coute qui coute,' even though the essential obligations of full investigation and deliberation should be foregone in so doing. Mr. Benson may plead, that he was only blaming defects of the system; but his language implies, that more numerous decisions would have secured him "flattering notice" from the Court, even if they should know or suspect that the duties of careful inquiry and consideration had been sacrificed in order to accomplish such object—and appears to have been used without proper reflection or advertence to the respect due to the superior Court. Had not defects been apparent in Mr. Benson's plan of working—had not his performances been so plainly incommensurate with the amount of business to be done, there could have been no more reason for pressing celerity of decision on Mr. Benson than on any other Judge; as it is, a comparison of this officer's work, the extent of which is given in the margin, (*b*) with that accomplished by other Judges equally careful and conscientious with Mr. Benson, will afford no ground for thinking, that even somewhat more might not [with the observance of order and method] have been done without such precipitancy and absence of deliberation, as should interfere with correctness of decision and the administration of even justice.

Appeals decided,	*Miscellaneous orders after investigation of merits.*	*Sessions and Criminal duty.*
148.		
(*b*) Headings, 1 to 14, ...	283	79 days.
— ,, — 15 to 17, ...	3661	

30. In the Principal Sudder Ameen's court the large number of 409 (*c*) regular suits were decided on trial by two officers, (*d*) and orders passed, after investigation, in miscellaneous cases according to the following detail, viz.

1 Principal Sudder Ameen.
2 Sudder Ameens.

(*c*) 51 Original. 358 Appeals.

(*d*) Pundit Beerbul,.. 278
Tusudooq Hosein,.. 131

Statement No. II., Headings 10 to 13,..... 192
Headings 15 to 17,..... 755

Para. 32 of the Court's last report, noticed the grounds there were for dissatisfaction with Pundit Beerbul, whose removal to a lighter zillah [Mirzapore] made room for an officer [Syud Tusudooq Hosein Khan, of whom more will be noted in remarks on the district where in 1842 he was employed,] better suited by activity and ability for this important post. Mr. Benson's remark, that his "rapidity of decision will be

valuable, if the accuracy of his decrees bear any fair proportion to their number," requires to be kept in sight by the present and succeeding Judges, for the Court have already noticed a monthly rate of decisions far exceeding the ordinary number. It will remain to be seen whether Pundit Beerbul, to whose continuance in judicial employ the Court were opposed in concurrence with the local officers, proves himself fit for his duty. Out of 49 special appeals from his court heard by the Judge, his order was upheld in only 23, or not one-half; though it was confirmed in 14 out of 21 regular appeals, or two-thirds, the Sudder Dewanny Adawlut had before them, and remanded 1 appeal from his court.

31. The decisions of the two Sudder Ameens [of Moradabad and Bijnore] are stated in the margin;(a) the latter was chiefly employed in the capacity of Moonsiff, and, in the criminal department, he decided 47 cases, with 149 persons concerned. The former also passed above 200 orders, after investigation in miscellaneous cases, including the complete execution of 130 decrees. Uhmud Hosein's judgment is indifferently represented by the reversal or modification of his order in 24 out of 49 appeals tried, or one-half. Of Pundit Dyaram's judgment the recency of his promotion to a Sudder Ameenship scarcely allows of an opinion being formed, but, as a Moonsiff, his qualifications were superior.

(a) Uhmud Hosein Khan, Moradabad, 191
Dyaram, Bijnore,..... 41

32. In the 11 Moonsiffs' courts [Bijnore inclusive] decision was passed after trial in as many as 3466 suits,(b) though a considerable portion of the same, being adjudicated exparte or on confession of judgment, could have taken up little time or trouble. Mr. Benson, however, seems to consider the number larger than is consistent with full investigation, as [speaking of the result of appeals, which, it must be confessed, was highly unfavorable,](c) he observes, that "the care exercised in decisions seemed generally to bear an inverse proportion to the number of cases decided, and an appeal was not unfrequently rendered necessary by an anxiety to reach the standard number occasioning premature decisions, which would not have occurred had the standard been less exigent, or had not the number of decisions been so frequently referred to in forming a judgment of an officer's merits." The Court hope that, having formed this opinion from a revision of appeals, Mr. Benson has not contented himself with the present record of it in his report, but also communicated to the officers concerned, for practical correction of their errors, his observation of the prevalence of immature decisions in their courts. The Moonsiffs' miscellaneous work comprised the number of 1125 decrees completely enforced, and 238 struck off after partial execution. In this department, however, the Court had to notice with censure the insufficient performances of some Moonsiffs, whom they do not now specify, trusting that the warning conveyed to them, that "a continuance of their negligence would receive serious notice in the annual report," has produced a salutary effect. The consideration of the Judge has been directed to the practicability of abolishing one of the numerous Moonsiffee jurisdictions [Suheswan], with reference to the comparatively little work arising there.

(b) Of which—exparte, ... 1052
" By judgment confessed, 717

(c) 185 orders confirmed to 195 modified or reversed.

BAREILLY.

33. The civil business of this large and important jurisdiction continues to "increase," the suits instituted in the past year having been more numerous by 667, and the whole number of cases before the courts larger by 1117, than in that which preceded it: the exertions of the judicial establishments, at the same time, kept pace with this increase, more decisions on trial by 570 having been passed in 1842, while the general file exhibits a decrease at the close of that period of 78 cases. On the regular files, 6 suits of 1841 before two Moonsiffs, and 3 appeals of the same year before the Principal Sudder Ameen—and, in the miscellaneous branch, 5 applications for execution of decree before the latter, and 10 before the former officers, comprised all the pending business of older date than the twelve months under report. This arrear was, compared with former years, slight, and several cases appear to have been delayed merely by the non-receipt of misls from the Judge's office, owing to the deranged state of its record department—the subsequent adjustment of which, under the auspices of Mr. Pidcock, additional Judge, was duly reported to Government.

JUDGE.
Headings, Nos. 1 to 14, ... 529
——,,——,, 15 to 17, ... 3336
3865

PRINCIPAL SUDDER AMEEN.
Headings, Nos. 1 to 14, ... 361
——,,——,, 15 to 17, ... 1710
2071

34. With exception to this special duty of superintending the arrangement of civil records, [for the accomplishment of which much credit is due to Mr. Pidcock, the disorder and delay of justice having been very great,] the functions of the Judge's office, exclusively appellate, were discharged by Mr. Cowell, who tried and brought to decision 290 appeals, besides investigating and passing orders in miscellaneous business, according to the marginal detail;(d) the duties of Judge of sessions and criminal appeal were, as in former years, performed by a separate officer. The labors of the Principal Sudder Ameen, Mr. Berkeley, comprehended the decision on trial of 262 (e) regular suits [considerably more

STATEMENT No. II.
(d) Headings, 1 to 14, .. 508
——,,— 15 to 17, .. 3336

(e) 66 original.
196 appeals.

than in 1841]—the investigation and disposal of the miscellaneous work in the margin,(a) in which were included 209 decrees executed in full, and 66 in part; and the performance of a very large amount of criminal business in aid of the Magistrate, particulars of which are given in the extract (b) appended, and which comprised criminal cases and miscellaneous petitions disposed of, as well as many investigated and prepared for decision. The services of this functionary are therefore considered to have been turned to full account.

(a) Headings, 4—10, .. 295
11—13, ..
Heading, .. 16, .. 1710

(b) Para. 1 of Mr. Berkeley's address to Judge, dated 24th February, 1843.
Extract of Magistrate's report to Commissioner, accompanying the same.
[See Appendix D.]

35. There has been hitherto only one Sudder Ameen in this district; and paragraph 37, of the civil report for 1841, noticed the probable necessity of the creation of an office of this grade at Pillibheet, an exigency mainly connected with the demands of the criminal department, which, the Court conceived, might be met by the transfer of the Bareilly Sudder Ameen to Pillibheet. Government were, however, pleased, in accordance with the recommendation of the Commissioner and Magistrate, to create a Sudder Ameen's office at the last-named station; and as circumstances, since the present year began, have led to the displacement of the Pillibheet Moonsiff, sufficient civil employment is now presented for the Sudder Ameen by the devolvement to him of the cases heretofore falling to the Moonsiff whose office has not been filled up, while valuable aid is rendered to the Magistrate. The Court have, at the same time, been loath to admit the cogency of the argument derived from the exigencies of the criminal side for creating the office of Sudder Ameen—distinctively a civil office; and a late proposal of the local authorities, based on this ground, for the establishment of a court of similar grade at Budaon in this district, was accordingly disallowed.(c) Nuwab Khan Buhadoor Khan, as Sudder Ameen of Bareilly, decided, in 1842, 232 original suits, and passed orders on the merits of about 300 miscellaneous cases, in which were included 273 executed decrees. He also decided 64 cases, disposed of numerous applications, and prepared many trials in the criminal department. Some notice was due from Mr. Cowell of the mode in which this officer has discharged his duty, with especial reference to the occurrences alluded to in the Court's last report (d)—but has not been given.

(c) My letter to your address, No. 1026, dated 27th May last.

(d) Paragraph 37.

36. The body of Moonsiffs numbered seven during the past year, and brought to decision the large number of 3487(e) suits, as particularized in the margin, where their performances in the branch of execution of decrees are likewise expressed. The only officer, whose work was inadequate, was the Pillibheet Moonsiff, whose ordinary file was found to be so light as to make it doubtful, whether the office required to be maintained; and the result of a recent inquiry(f) into certain charges of corruption against the Moonsiff in question combining to render his removal desirable, he was displaced. It will be observed that a marked superiority is maintained by the Moonsiffs of Shahjehanpore and Budaon, the portion of the zillah which was inspected by the additional Judge, Mr. Pidcock, early in the year under review, and which has by recent orders been definitively assigned to his superintendence and charge in the civil department, the remaining jurisdiction continuing with Mr. Cowell—[vide my address, No. 715, dated 10th April last, and enclosures: Your answer No. 2144, dated 28th idem]. Mr. Pidcock's report of his visitation is so creditable to the three Moonsiffs concerned, that the Court do not withhold it, and it is submitted in Appendix E.; but the Court would, at the same time, draw attention to the Judge's remarks on the inadequacy of the pay of the Moonsiffs' ministerial establishments, [which is certainly conspicuous,] as connected with some similar observations made by other officers in reports now submitted. An opportunity has been found for rewarding Gholam Ghous, otherwise called Mohumud Mohsun Khan, by promotion to a Sudder Ameenship, which has likewise supplied means for the confirmation, as Moonsiff, of Ubdooruhman. It may be found expedient and conducive to public convenience to appoint another Moonsiff in the Shahjehanpore jurisdiction, as has been lately done in the Budaon circle at Bhilsee—an important mart.

		Suits decided.	Decrees executed wholly or partially.
Umanut Hosein, ...	Bareilly.	521	256
Mohumud Husun, ...	Suburbs.	358	189
Mr. H. Berkeley, ...	Bisulpore.	443	310
Gholam Nubee, ...	Pillibheet.	254	122
Gholam Yuhya, ...	Shahjehanpore. ..	654	317
Gholam Ghous, ...	Budaon.	627	287
Ubdooruhman, ...	Addl. ditto.	630	254

(e) Of which exparte, ... 1230
,, On judgment confessed, 764

(f) *Note.*—The Judge and additional Judge both recommended removal; for, though the imputations of official dishonesty were not proved, the irregularities of proceeding, want of control over umla, unseemly quarrels with them in office, and the general disrespect in which he was found to be held at Pillibheet, were held quite to amount to a disqualification for office. A separate report, No. 1715, dated 1st September, 1843, has been recently submitted to Government on the subject of this functionary's displacement.

37. There remains to be noticed the result of the appeals heard from the several tribunals. 3 special appeals from Mr. Cowell's court were before the Sudder Dewanny Adawlut, who remanded 1, confirmed the Judge's decision in 1, and in the remaining case, modified it. By the same Court Mr. Berkeley's judgment as Principal Sudder Ameen was, in 2 appeals, confirmed; the Judge, also, upheld Mr. Berkeley's order in 28 out of 44 regular appeals tried, but in 13 only out of 31 special appeals

heard, or less than a half. The proportion of judgments affirmed and interfered with in the appeals decided from the Sudder Ameen's and Moonsiffs' courts, is stated in the margin;*(a)* respecting which it may be remarked, that the appeals from the Budaon jurisdiction were, considering the numerous decisions of those courts, very few—that the result is less favorable to the Shahjehanpore Moonsiff than Mr. Pidcock's report of him might seem to give promise of—and that the proportion of confirmations in the offices lying near the sudder station of the Judge [such contiguity explaining the greater number of appeals], is creditable to the judgment of the functionaries concerned.

	Confirmed.	*Reversed or Modified.*
(*a*) Sudder Ameen, ..	43	25
Moonsiff of		
Bareilly, ...	50	16
Suburbs, ...	24	9
Bisulpore, ...	33	17
Pillibheet, ...	17	17
Shahjehanpore, ...	59	49
Budaon, ...	13	9
Additional ditto.....	24	6

AGRA.

38. This district having been visited in the past cold season by the Judge of the Sudder Court who went on circuit, the Court beg to submit [in Appendix F.] transcript of a communication to the zillah Judge on certain points on that occasion noticed. Paragraph 41, of the civil report for 1841, mentioned the civil business of the Agra district as being for some years past on the decrease; the present returns also show, that fewer cases by nearly 150 were brought on the files in 1842 than in the year preceding: but, while this accounts for the decisions having been somewhat fewer in the period under report, it further suggests the question whether the strength of the judicial establishments hitherto maintained be not redundant, and might not be reduced, especially in the higher grades. The decision on trial of 178 appeals by the Judge, and of 216 original suits and 8 appeals by the Principal Sudder Ameen, though numerically inadequate under the rules, could not obviously have been exceeded, when we consider the state of the respective files at the end of the past year, when there were 28 suits only pending before the Judge, and but 13 before the Principal Sudder Ameen. Besides the above, the former officer, Mr. Boldero, and the latter, Moolvee Mohumud Kureemoola, disposed of miscellaneous business by an order on the merits, as detailed in the margin:*(b)* the Judge was also engaged 99 days [about a week longer than in 1841] in sessions and criminal duties, and the Principal Sudder Ameen decided 50 criminal cases, in which 117 persons were concerned; (*c*) 7 appeals from Mr. Boldero came before the Sudder Dewanny Adawlut, who affirmed that officer's order in only 2 out of the number, reversing his judgment in 2, modifying it in 1, and sending 2 back by remand.

JUDGE.

Headings, Nos. 1 to 14, ...	252	
——,,—— ,, 15 to 17, ...	2666	
		2918

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14.	623	
——,,—— ,, 15 to 17, ...	889	
		1512

(*b*) STATEMENT No. II.

	Judge.	*Prinl. Sudder Ameen.*
Headings, 1 to 14,....	192	266
Ditto, 15 to 17,....	2666	889

(*c*) Regular, .. 3
Special, .. 4

39. Moolvee Kureemoola, the Principal Sudder Ameen, appeared to the Judge on circuit to be studious of duly discharging his duty; he bears a good character, and has the commendation of his immediate superior, the Judge. The confirmation of his decision in 22 out of 26 regular appeals heard by Mr. Boldero is much in his favor; 1 regular appeal also came direct before the Sudder Adawlut, and was upheld by that Court.

40. Recent correspondence *(d)* has passed on a proposal for abolishing the office of Sudder Ameen at Muttra under this Judgeship, the determination of Government on which was deferred until this report should be before them. In addition to the particulars already before the Hon'ble the Lieutenant Governor, the Court would refer to paragraph 43, of their report for 1841, at the beginning; and also observe that, while only 20 cases altogether were decided by this functionary in 1842 as Sudder Ameen—12 remaining at the close of the year, 242 were brought to decision as Moonsiff, and 57 criminal cases, with 139 persons concerned, disposed of as Sudder Ameen. The miscellaneous business coming before the Sudder Ameen is also very inconsiderable; and hence the extent, to which the services of a Sudder Ameen are required in the civil department, may be easily estimated. Were such demand even larger, the Court have already shown that the Principal Sudder Ameen's hands are by no means full, the Judge finding no occasion to refer to him any appeals; the few cases properly cognizable by a Sudder Ameen could, therefore, be readily added to his file, and decided as Sudder Ameen, according to the practice of other districts. The Court have elsewhere given an opinion, opposed to the creation or maintenance of the office of Sudder Ameen merely, or chiefly, by reason of its utility in the criminal department. Had inconvenience to the public been apprehended from a transfer of Sudder Ameen's cases to Agra, it would not have been unnoticed by the Judge and Commissioner, who have both concurred in the expediency of abolishing the Sudder Ameenship, and constituting a Moonsiffship in its place; and of this measure, the Court beg accordingly here to repeat their recommendation.

(*d*) My letter, No. 1051, dated 29th May last.
Your reply, No. 3040, dated 9th June.

41. As regards the merits and qualifications of the Sudder Ameen, Moonsiff Lala Surubsook Rae, the Judge's commendation [page 8 of report] of his "industry," and the fact of the greater part of his orders having been confirmed on revision in appeal, may seem contrary to the tenor of the last part of my address to you of 29th May last; but the doubts therein recorded were founded on the observation of the Judge of the Court who made the last circuit, and whose impression, derived from an oral examination, was so little favorable as to induce a remark, that Surubsook Rae's measure of fitness for the post of Sudder Ameen was certainly far inferior to that of many Moonsiffs already inspected, and even to suggest a doubt, whether, if this individual were subjected to the examination required to qualify for a Moonsiffship, he would pass the test.

42. Neither is Mr. Boldero's estimate of the relative merits of the other Moonsiffs—four in number, exclusive of the Moonsiff of Muttra—borne out by the result of the personal inquisition made by the Sudder Judge. To two officers, holders of diplomas, ranked last by the zillah Judge, the first place is given by Mr. G. P. Thompson, who thinks Syud Ubbas Ulee, Moonsiff of Bah Pinahut, superior in quickness and knowledge of duty to the other officers of that grade whose courts he visited, and whose opinion was also much in favor of Syud Uhmed Khan, Moonsiff of Futtehpore Sikree. Mr. Boldero's classification may, however, be in correspondence with the result of the appeals tried by him from the several tribunals, which, looking simply to the proportion of orders affirmed, was in favor of all—and most of Mr. Lyons, Moonsiff of Agra, ranked first by the zillah Judge. Of Ewuz Ulee, the Etmadpore Moonsiff, classed as second by the same officer, doubts are expressed by the Sudder Judge in respect to his conversancy with all points of his duty, but he is stated to bear a good character with the native public.

43. An enumeration of the work performed by the Moonsiffs may be omitted—it was as much as their files permitted; in the regular branch the average number of decisions in each of the five courts was about 368. The number of decrees fully executed by the courts of this district was 876, the number struck off after partial enforcement, 434. No business remained pending before any court older than the year. A late proposition, concurred in by the local authorities, for reducing, as superfluous, one Moonsiffship [of Etmadpore], remains for future decision upon; when the changes likely to be caused in the Moonsiffs' courts by Act VI. of the current year, and the mode in which that law may act on the amount of business coming before those tribunals, shall become appreciable. Mr. Thompson's observation of the defective means of accommodation and deposit of the civil records of this zillah strongly suggests the expediency of some provision on that head, but a plan not long ago devised with that object was rejected as too expensive. Meanwhile the work of adjustment is proceeding slowly, and perhaps imperfectly, through the unassisted agency of the native record-keeper.(a)

(a) On the subject of the defective accommodation afforded by the present record-room, I am directed to append extract from Mr. Thompson's notes, in which the objectionable nature of the building and the deficiency of requisite racks, &c., are noticed.

FURRUCKABAD.

44. The report submitted by the Judge of this district, Mr. C. R. Cartwright, is so full and communicative on all essential points, as to relieve the Court from the obligation of any lengthened comments. To elucidate that document, and at the same time, avoid swelling this address by needless detail, the Court beg to submit, in an Appendix [G.], copies of a letter, written by their order, on the 30th March last, on various matters discussed by the Judge, and of that officer's reply, dated 15th April: and, in adding that they have circulated, for the caution of zillah Judges generally, Mr. Cartwright's remarks touching the system of deposit accounts between the Moonsiffs and Tuhseeldars—that steps have been taken for affording the means of accurate ascertainment of the state of the civil records by grant of a temporary extra agency, in the correspondence cited in the margin (b)—and that the Calcutta Court have been consulted regarding the question [alluded to at the latter end of the Judge's report] of investing Principal Sudder Ameens and Sudder Ameens with a power of *receiving* original petitions of plaint in the first instance, instead of having them referred to their courts by the Judge (c) [other objections having been disposed of by Act VI. of 1843], the Court believe they have left nothing treated of in Mr. Cartwright's letter unexplained.

JUDGE.	
Headings, Nos. 1 to 14, ...	658
——,—— ,, 15 to 17, ...	7925
	8583

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14, ...	529
——,—— ,, 15 to 17, ...	91
	620

(b) My letter to your address, No. 768, dated 21st April last.
Your reply, No. 2375, dated 10th May, 1843.

(c) *Note.*—The Presidency Court having agreed to the propriety of the measure, draft of an Act has been forwarded to the Legislative Council.

45. The state of civil business in this district is deemed satisfactory. The Court observed in the returns for the quarter ending December last, that the proper steps adopted by the Judge in regard to all points, suggestive of instructional notice, rendered any orders on their part unnecessary. It will be seen, that provision has been made against the exhibition of cases referred to the Newab of

Furruckabad [under Section 8, Regulation II. 1803] as long-standing suits. The *return* of such cases to the Company's courts being only contingent and uncertain, and by no means a proceeding of course, it is certainly reasonable that they should be struck off the files of the several courts on transfer to the Newab. The only regular suits, besides 2 of the above description, nominally older than 1842, had been remanded to a Moonsiff [3 in number] at the latter end of that year. A decrease in the number of decisions, on trial, by the courts, of nearly 300, compared with 1841, is fully accounted for by the smaller income, the number of cases brought on the file having been 489 fewer.

46. The decision, on trial, by the Judge of 331 regular suits [all but 2 of which were appeals], and his disposal, by an order on the merits, of 491 miscellaneous cases under 14 headings (*a*) [of which 102 were decrees executed in full], are regarded as very creditable by the Court, with especial reference to his energetic general control, and to his heavy sessions duties, which latter occupied double the time devoted to this department in 1841.(*b*) 211 original suits decided after trial by the Principal Sudder Ameen, Mr. J. Mercer, though a smaller number than in 1841, appear sufficient with advertence to the prevailing state of the file of this officer, who also investigated and passed orders on 224 miscellaneous cases under the 14 headings,(*c*) [of which 98 were decrees carried out in full,] and tried 47 criminal cases, with 113 persons concerned; and in whose warm commendation, as recorded by Mr. Cartwright, the Court are disposed to concur, deeming Mr. Mercer to merit the first recommendation for promotion to a higher rate of salary, on occasion offering. One-third only of the judgments of his court revised by the Judge in appeal, or 23 out of 69, were subjected to alteration, and of 4 regular appeals heard direct by the Sudder Dewanny Adawlut the order in 3 was confirmed.

(*a*) Also 7925 under 3 final headings.

(*b*) In 1841, ... 44 days.
In 1842, ... 87 do.

(*c*) Besides 91 under heading 17.

47. Such being the satisfactory state of the higher tribunals, the chief scope for exercise of judicial superintendence and reform has, of course, been found in the Moonsiffs' courts, six in number—all save two, those of Chibramow and Kunouj, well reported of;(*d*) and it is trusted, that improvement in administrative efficiency will, by this means, have been secured in all. Owing to removals and changes, some suspension of work occurred in one or two of these courts, the amount of business performed by the two city Moonsiffs far exceeding in quantity that of any other officer: of the total decisions, 2354, of the whole body, 1241, more than half, were passed exparte (*e*) or on confession (*f*) of judgment; in the miscellaneous branch the Moonsiffs were particularly industrious, having fully executed 453 decrees, and carried into partial fulfilment a much larger number—and further disposed of other work. The result of such appeals, as went to decision from their orders, is shown in the margin, appearing to be most in favor of the two city Moonsiffs; of whom Ukber Ulee Khan, though of recent appointment to office from among the body of men who have acquired diplomas, has already by his merit obtained the higher grade of salary and the first rank among officers of his grade in this zillah. The two Moonsiffs doubtfully reported on, are named Gholam Moheeoddeen (*g*) and Mohumud Uleemoodeen,(*h*) and these the Judge has been desired to watch. The Court have deferred, for the present, to sanction a proposal, separately submitted, subsequently to the date of Mr. Cartwright's report, for the abolition of the Kunouj, and the consequent modification of the other Moonsiffee jurisdictions, wishing to await the operation of Act VI. of 1843, in its effect on the amount of business in the Moonsiffs' courts.

(*d*) *Note.*—Transcript is submitted [in Appendix H.] of a letter to the zillah Judge, containing comments of the Court on the result of inspection by the Judge of the Sudder Dewanny Adawlut on circuit.

(*e*) 566. (*f*) 675.

Moonsiff of	*Confirmed.*	*Reversed or Modified.*
Furruckabad, 1st, ...	44	20
Ditto, 2nd, ...	41	22
Doondwara, ...	75	7
Kaemgunj, ...	25	25
Chibramow,(*g*)	30	20
Kunouj,(*h*)	15	6

MYNPOOREE.

48. Though the Judge of this district, Mr. C. F. Thompson, was absent on sick leave for a month about the end of the year, he was enabled to return in time to receive the Sudder Judge on circuit, who made a detailed examination of the several courts—and copy of the Court's orders consequent thereon is now submitted in Appendix I. Mr. C. Thompson's subsequent compulsory departure on sick leave very early in the present year, and the non-arrival for some months of his successor, contributed to throw the district into some disorder, from which, the Court hope, Mr. S. Fraser has before this recovered it. The civil business, which showed [para. 50 of report for 1841] a considerable increase in the year last reviewed, diminished, but in rather a less proportion, in the period under present report; the decisions on trial were, however, in both years about equal. The regular suits, older than 1842 at its close, were confined to very few; the number of miscellaneous appeals under Re-

Judge.	
Headings, Nos. 1 to 14,.. ..	415
,, ,, 15 to 17,.. ..	621
	1036

Principal Sudder Ameen.	
Headings, Nos. 1 to 14,.. ..	489
,, ,, 15 to 17,.. ..	2436
	2925

gulation VII. 1825 (*a*) [45] pending before the Judge at the end of December was too large, but the cause mentioned above may explain it. Though only 138 appeals were brought to decision in the Judge's court, and the miscellaneous work marginally noted (*b*) disposed of on the merits, it is to be noted, as in regard to 1841, that this officer's remaining time was occupied by large demands, as Judge of sessions and criminal appeal for two districts, that duty taking up about an equal number of days (*c*) in both the periods referred to; so that Mr. Thompson's performances, including, also, a vigilant supervision of, and the correction of various errors in, the subordinate courts, are held to be very satisfactory: and the Judge of the Court on circuit thought it just to him to record, as the result of various communications with this officer, and of an inspection of the state of his office, his conviction, that no one could exceed him in the desire conscientiously to discharge his duty. No appeals came before the Court during the year from his orders.

(*a*) Heading 4, statement No. II.

(*b*) Headings 13 & 14, statement No. II., ... 135
Ditto, 15 to 17, ... 581

(*c*) 1841, ... 142 days.
1842, ... 140 do.

49. The present Principal Sudder Ameen, Mohumud Ulee Nukee Yawur, as stated in paragraph 51, of the last report, was transferred to this district from Azimgurh, early in the year under notice, and began work from the 25th January. The number of regular (*d*) suits decided in his court, 102 original and 83 appeals, could not, with reference to the small number [26] pending when December closed, have been exceeded; good use was, at the same time, made of his services in all applications for execution of decree having been wont to be referred to his court by the Judge; but of the number of this class of cases disposed of, a large proportion were struck off on default. The Principal Sudder Ameen was only to a small extent employed on the criminal side.(*e*) The Court were not satisfied with the exhibition of 16 cases of execution of decree older than a year before him when December ended, the cases disposed of on the merits in that month having also been very few; but it must be added, that of the above, and of similar cases shown on the Moonsiffs' files, many were retained pending completion of needful and legal processes, and some were delayed by the absence of the Judge.(*f*)

(*d*) Total 185, viz.
By Kureem Koolee, officiating;.. 11
By Nukee Yawur,.. 174

(*e*) He decided 16 cases with 56 prisoners.

(*f*) *Note.*—Being dependant on decision of Judge's cases.

50. The favorable estimate of the Principal Sudder Ameen's qualifications and merits taken by the late Judge [Mr. C. Thompson] in the memorandum, which accompanies his successor's report, is confirmed by the Sudder Judge on circuit, who considers him to have his work at heart, and thoroughly to understand the details of his office, while the character he maintains in the district is high. Of his judgment no opinion can be derived from the present returns, as among the appeals decided from his court by the Judge, only 3 were from his decisions, the rest being from judgments passed by his predecessors.

51. There are 5 Moonsiffs under this Judgeship, whose decisions of regular suits [1332], (*g*) averaging about 266 cases to each officer, fell short of the minimum rate fixed; but of some, the files at the end of the year were light—of none, heavy—and a good amount of work seems to have been performed in the miscellaneous branch, including, as it did, 326 decrees fully, and 428 partially executed. It would not appear, that the proportion of appeals, in which the inferior court's judgment was affirmed, is in this district a trustworthy criterion of judicial fitness. This proportion the marginal note displays;(*h*) but only the two first officers of that list satisfied the Sudder Judge on circuit; the third failed to answer some of the questions put to him orally, while a degree of uncertainty attaches to his character, owing to various complaints from time to time preferred to the Judge, which, for the most part, had to be dismissed on default of the prosecutor to attend or summon witnesses in the support of his charge. On this head Mr. G. P. Thompson remarks, that in these [and, ordinarily in similar] cases, security ought to have been taken from the prosecutors so as to have conduced to a conviction, if the complaint had been true, or, in the opposite event, to the punishment of the false accuser. Without this precaution native Judges may often, in the honest performance of their duty, be assailed, and have their reputation tarnished by dissatisfied suitors, or, on the other hand, a corrupt functionary may buy off his accuser. The fourth officer, though of good character, and long service, was found, both mentally and physically, past any efficient service; and when ordered to be subjected to an examination before the Judge and Principal Sudder Ameen of the district, he chose the alternative of resigning, but has not hitherto redeemed his pledge: this point has been noticed in my letter, No. 1562, of the 14th August last, which forms one of the appendices to this letter, and the attention of the Judge, Mr. S. Fraser, has been directed to the propriety of enforcing the examination or resignation of Syud Kuramut Ulee. In the practice and procedure of the last Moonsiff of the list, the Sudder Judge discovered many serious errors, was dissatisfied with his wrong answer of some, and imperfect solution of many of the oral questions proposed; and, though deem-

(*g*) Of which decided—
Exparte, ... 310
By confession, ... 551

	Confirmed.		*Modified or Reversed.*
(*h*) From Kureem Koolee, Moonsiff of Mynpooree,	24	..	17
,, Mohumud Uhsun, of Shekoabad,	11	..	3
,, Ubdool Hafiz Ulee, of Subawur,	17	..	22
,, Syud Kuramut Ulee, of Etawah,	54	..	25
,, Loknath Tewaree, of Puphoond,	15	..	9

ing his deficiencies scarcely such as to warrant an examination before the Judge, recommended a close scrutiny of his proceedings being maintained by that officer.

52. The Sudder Judge has noticed the orderly state of the Judge's record-office, and the systematic arrangement of the papers, as very creditable and satisfactory.

53. Paragraph 54, of the report for 1841, commented on a suspicion, entertained by the Judge of this zillah, of the prevalence of false claims and other abuses connected with two kinds of suits in the native courts, those brought to recover loans without documentary proof on parole evidence alone [dustgurdan], and those instituted on account book entries [buhee khata]. From an inquiry made by the Sudder Judge into the number of these suits decided, and the mode of decision, the Court are disposed to concur with their colleague, that the zillah Judge's suspicion has no actual ground in the facts. The numerous adjustments, and the many decisions passed on confession and exparte, in cases of this nature, rather appear to denote that the community at large consider these modes of procedure as of adequate security both in borrowing and lending money; and so long as the law refrains from insisting on the use of stamps for the validity of all money-transactions, such modes of dealing are according to law and practice. But it cannot be denied, as forcibly pointed out in the marginal (*a*) extract from the late Judge of Futtehpore's report, which accompanies these papers, that any disposition to bring fraudulent and false claims will find in them much increased facility of exercise, often not counteracted by corresponding increase of acuteness or vigilance in the tribunals; and the Court think at any rate, with their colleague, that the law should prohibit the hearing of such claims in a court of justice when the cause of action has arisen beyond one year.

PARAGRAPH 17, OF MR. BOULDERSON'S REPORT [FUTTEHPORE].

(*a*) "The decisions of cases of debt as "book-debts," in which the defendants "are said to have acknowledged the demand and signed the account, on a "certain day and hour, at a certain place, with the amount of debt to "fractions of rupees, all and other little particulars carefully remembered "by witnesses for months and years—and secondly, other witnesses all "deposing that defendant begged plaintiff, after institution of the suit, "to allow him to pay by instalments, or to remit some of the interest—"any one such case serving as an exemplary model of dozens of others, "are, I suppose, of as frequent occurrence in other districts as in this. "There is no remedy, if such cases are to be decreed as they are, but that "the opposite party get up equally credible witnesses to swear that the "money has been paid. This will, probably, become the regular line of "defence."

CAWNPORE.

54. That the measure [described in paragraph 55, of the Court's report for 1841,] of investing with temporary powers of additional Principal Sudder Ameen, the Sudder Ameen of this district, for the purpose of helping to reduce a large arrear, chiefly in the miscellaneous branch, before the courts of the Judge and Principal Sudder Ameen, has been attended with success, will be apparent from a comparison of the state of civil business, as shown in the paragraph above quoted, with the condition of the files at the close of the period under report, during five months of which the additional agency was employed. At the end of 1842, 8 (*b*) original suits, and 2 appeals of 1841, comprised all the regular work pending for longer than twelve months; while most of the 20 (*c*) cases of execution of decree of the same kind, then pending before the Principal Sudder Ameen, had been re-transferred to that officer late in the year, on the cessation of the extra agency alluded to—whence some delay, caused by transit, occurred, but the Principal Sudder Ameen is not blamed on that account. The general result, therefore, is satisfactory, and the exertions of the Judge, Mr. Speirs, have not been wanting to conduce to it; that officer, besides 179 regular suits [all, but 1, appeals] decided on trial, having passed orders on the merits of 733 cases, under the more important headings of statement No. II., together with 10239 orders under the last three headings—the criminal work having also been heavy, and occupying 102 days; and Mr. Speirs having been further much engaged in investigations regarding frauds detected in the re-filing of used stamps, his energetic prosecution of which inquiry has issued usefully in the devising of precautionary rules against a recurrence of this formidable evil, promulgated by the Court in a circular, dated 25th May last. The general file exhibits a decrease of above 300 cases, as compared with the end of 1841, the income having, likewise, been smaller by 128.

JUDGE.	
Headings, Nos. 1 to 14, ..	1507
,, ,, 15 to 17, ..	10259
	11766

2 PRINCIPAL SUDDER AMEENS.	
Headings, Nos. 1 to 14, ..	858
,, ,, 15 to 17, ..	7570
	8428

(*b*) Judge, ...	2	appeals.
Principal S. Ameen, .	6	original.
Sudder Ameen,.. ..	1	do.
Moonsiff, ...	1	do.

(*c*) Of 1839, ...	1
Of 1840, ...	3
Of 1841, ...	16

(*d*) *Note.*—They had some, though inconsiderable, employment in criminal work.

55. The number and proportion of regular suits tried and adjudicated, and of miscellaneous cases disposed of on the merits, in the courts of the Principal Sudder Ameen, and the Sudder Ameen exercising functions of that grade, are as follow:(*d*)

	Regular.		*Miscellaneous Cases.*	
Name.	*Original.*	*Appeals.*	*Headings* 1 *to* 14.	*Headings* 15 *to* 17.
Moolvee Mohumud Hukeemoodeen,	89	211	271	5120
Moolvee Khadim Hosein, [Acting Additional,]	4	78	136	2448

besides which, as Sudder Ameen, Khadim Hosein Khan brought to decision 164 suits, and disposed, after investigation, of 245 miscellaneous cases. In the course of a recent arrangement the former of these functionaries has been transferred as Principal Sudder Ameen to Benares, and the latter nominated in his place at Cawnpore. The judgment of Hukeemoodeen is unfavorably represented by the result of the appeals brought to decision from his court, confirmation of the order having only occurred in 38 out of 90(*a*) adjudicated by the Judge, and in 3 out of 6 decided by the Sudder Dewanny Adawlut. The mode in which 71 appeals were adjudged from the Sudder Ameen's court, was more favorable, the order in 42 having been affirmed; but it is to be observed, that a portion of these appeals was heard by the Principal Sudder Ameen, whose own judgment is so indifferently estimated above. 5 appeals came before the Court from Mr. Speirs during the past year, of which 2 were remanded, the decision in the same number modified or reversed, and in one confirmed.

	Confirmed.	*Reversed.*
(*a*) Regular appeals,	18	22
Special ditto,	20	29

56. Though there are 5 Moonsiffs in this district, the actual number employed, owing to absence and sickness, scarcely exceeded the rate of 4; the suits decided by them amounted to 1440,(*b*) and the miscellaneous orders passed on the merits to 1317; out of 306 appeals from this body of functionaries which came to decision, their orders were upheld in 191, or somewhat more than 62 per cent; here also such estimate, as might be formed of their judgment from this result, must be qualified by the part taken by both the Principal Sudder Ameens in trying these appeals; and the proportion of appeals to decisions also requires to be considered with reference to the greater or less proximity and degree of accessibility of the appellate tribunal, as regards the several courts. The judicial establishments of this grade are carefully superintended by Mr. Speirs, with whose administration the Court are satisfied, but they have told him that vigilance will be needed to prevent any such accumulation again of miscellaneous business, as lately rendered auxiliary agency requisite.

(*b*) Of which—
By confession, ... 478
Exparte, ... 416

FUTTEHPORE.

57. The civil business of this district is so light, that the rules, fixing the numerical standard of decisions to be observed in the several grades, become to its operations, at least as respects the higher tribunals, in a great degree inapplicable. The decision after trial of 193(*c*) appeals in the Judge's, and of 131 original suits and 2 appeals in the Principal Sudder Ameen's courts appears, from the state of their respective files, to be fully as much as could have been performed, and of the three Moonsiffs, who tried and adjudicated 750 suits, only one exceeded the ordinary minimum(*d*) rate of yearly decisions required for this grade of functionaries. The late Judge, Mr. Boulderson, remarks with reason in his report, in allusion to this circumstance, that "where it is found arrears do not accumulate, it is rather advisable to refrain from urging the paucity of work performed as blame-worthy, there being, under the system in force, more reason to apprehend and guard against efforts to cause litigation, and to make suits;" adding, that "where the quantity of work is not adequate, it would be better to dispense with one or more courts."

JUDGE.

Headings, Nos.	1 to 14, ...	464
——,,—— ,,	15 to 17, ...	4176
		4640

PRINCIPAL SUDDER AMEEN.

Headings, Nos.	1 to 14, ...	529
——,,—— ,,	15 to 17, ...	166
		695

(*c*) Mr. Kennaway, ... 158
Mr. Campbell, ... 35

(*d*) 300 suits.

58. Notwithstanding the light state of the business, however, the Court have been by no means satisfied with the measure of diligence exerted by the native judicial agency, or of its having been commensurate with even the moderate demands for its exercise. Besides the income of the period under notice, there were 21(*e*) applications for execution of decree, appertaining to 1841, still undisposed of by the Futtehpore courts, when the past year ended. There ought, perhaps, to have been none pending older than the year. The Principal Sudder Ameen underwent censure on this account on a review of the monthly, or rather quarterly, statements, and the existence of any unexecuted decrees, of longer duration than twelve months, was declared to be not to his credit; consequently he seems so far to have exerted himself as to prevent such an exhibition in the annual returns. The excuses urged by two Moonsiffs, of Hutgam [Kadirbuksh] and Jahanabad [Imadool Husun],(*f*) referring instances of delay in such cases to "press of business," were reasonably held insufficient by both Mr. Boulderson, and Mr. Fagan, who acted for a short time as Judge. It is, however, true, that in *some* instances delay uncontrollable by the judicial officer may occur in the revenue or other departments, though even then, the needful steps remedial of the evil, are omitted. References were stated to have been made [in 1 case of execution of decree before the Principal Sudder Ameen belonging to 1841] to the Banda zillah court, without any reply having been received for more than nine months—a failure which it was incumbent on the Principal Sudder Ameen to have, after a fitting period, reported to the Judge, by whom it should have been specially laid before the Court.

(*e*) *Note.*—The greater part on the files of the three Moonsiffs.

(*f*) *Note.*—Unfavorably noticed in the report for 1841,—see para. 62; and para. 42, of Government orders of 10th November last in reply.

59. The late Mr. Kennaway presided as Judge till his compulsory departure from illness about the middle of September, shortly after which he died. Consequently the Judge who submitted the statements and reports, Mr. H. Boulderson, [who did not join the office till after the end of the year, Mr. R. Campbell acting intermediately,] only speaks from a short observation, and exercise of appellate functions, when he is unable to record of the Principal Sudder Ameen, Moolvee Mohumud Shukoor, "that his decisions are well considered, or given with judgment. This objection he does not mean to apply to oversight, or errors in form and technicalities, but to defect in consideration, or to want of good judgment on the important points of evidence and justice." Still this is the opinion of an acute and able officer, and it is, moreover, practically borne out by the fact of only 23 (*a*) judgments out of 69 decided by the Judge in regular and special appeal having been confirmed from this officer's court, his order having been also reversed in 3 regular appeals made direct to the Sudder Dewanny Adawlut.

(*a*) *Note.*—Only a proportion of one-third.

60. The Court deem it premature to found any imputation on Mr. Boulderson's remark, in connexion with the large number of decisions in the native tribunals of this district passed on 'confession of judgment,' that "considerable dissatisfaction had been expressed to him of the mode and extent to "which these cases have been got up and decreed in the Principal Sudder Ameen's court, and the abuse "of the [pretended] right of 'Den Mohr.'" The question of collusive decrees, confessedly a difficult one, has been [as stated in his 16th para.] separately treated by Mr. Boulderson, and is under discussion in communication with the Calcutta Court: (*b*) but, all things taken together, fully enough appears of a character unfavorable to Mohumud Shukoor, to call for the vigilant superintendence of Mr. Benson, the present Judge, to whom extract of this address will be sent. It will be remembered, that Mohumud Shukoor incurred the grave displeasure of the Court and Government by an unauthorized abandonment of the charge of the Judge's office which he vicariously held, to proceed on leave, contrary to the injunction of the Court to remain till relieved—and that he only escaped temporary suspension owing to the late Lieutenant Governor's lenient consideration of his admitted fault.

(*b*) *Note.*—The remarks in para. 17 about "Book debts," have been adverted to under zillah "Mynpooree."

61. It remains to be mentioned, as respects appeals heard from other tribunals, that 7 special appeals came before the Court from orders of the late Mr. Kennaway, whose judgment was confirmed in 1, modified or reversed in 3, while 2 appeals were remanded, and 1 dismissed on default. From the following note of appeals decided from the Moonsiffs' courts, the result seems to be as much in favor of Nundlal, as it is condemnatory of Imadool Husun. If the appeals from the former were more numerous, so also, it must be stated, were his decisions. (*c*)

(*c*) Decided by
Nundlal, ... 320
Imadool Husun, ... 165
Kadir Buksh, ... 265

	Confirmed.	*Reversed or Modified.*
From Moonsiff of Futtehpore, Nundlal, ...	30	14
„ Ditto of Jahanabad, Imadool Husun, ...	8	25
„ Ditto of Hutgam, Kadir Buksh, ...	26	23

BUNDELKUND.

62. There was, in comparison with the antecedent annual period, a considerable decrease of civil business in this district in the year under present notice—this will account for the work performed having been less; the decisions in the two higher courts of Judge and Principal Sudder Ameen [100 appeals in the former, and 169 both original suits and appeals in the latter], though falling far short of the minimum rate, yet could scarcely have been exceeded with reference to the number of suits, depending on those files, when the year ended [89 before the Judge, 57 before the Principal Sudder Ameen]: Mr. Lean, who filled the former office for all but one month, also urges indisposition for above a month, a heavy duty as Sessions Judge occupying nearly 100 days, and his own inexperience in judicial business, which excuses were perhaps required to explain why, with such light files, any work should be exhibited in the statements as pending for longer than the year they refer to. 2 appeals of 1840 and 14 of 1841 before the Judge when the year ended had either been disposed of, or were ready for decision, when the returns were sent up; and the rather considerable amount, on the same file, of miscellaneous cases older than 1842, as marginally detailed, (*d*) appeared, from the explanatory account, to have been almost nominal, as, out of the whole 106 cases, 32 were noted as "since disposed of," and 74 as "ready" and to be disposed of without delay. Excepting 1 suit remanded to a Moonsiff in 1841, but not received by him till a year after, owing to a negligence which was the subject of correspondence with the

JUDGE.
Headings, Nos. 1 to 14, .. 416
——„——„— 15 to 17, .. 2317
2733

PRINCIPAL SUDDER AMEEN.
Headings, Nos. 1 to 14, .. 433
——„——„— 15 to 17, .. 607
1040

(*d*) STATEMENT No. II.

Heading, No. 1, ...	21 cases.
——„——„ 2, ...	1
——„——„ 3, ...	1
——„——„ 6, ...	7
——„——„ 11, ...	10
——„——„ 17, ...	66

Judge, and for which suitable punishment was inflicted on the responsible officer of his court, the few remaining suits, that appear under years prior to 1842 at its close, were sent back by remand between July and the end of that year. The Judge has now been cautioned to prevent, as far as possible, the appearance of such arrears in future statements, for which [save remands] the state of the business does not present excuse; and he has been particularly told that the exhibition, as pending above one year, of *objections* to orders passed in execution of decrees, and other similar investigations demanding prompt disposal, cannot, ordinarily, be justified.

63. The Judge esteems the amount of miscellaneous work despatched by Mooftee Gholam Mohumud, the Principal Sudder Ameen, and the result of appeals tried from his orders, in general satisfactory, urging that, though the number of orders reversed or modified nearly equalled the number confirmed, (*a*) yet more than half of the former were remands; an argument which, however, cannot be admitted, with reference to the causes for which the law permits the remand of suits for re-trial, and which would exempt a judicial officer from the greater or less discredit attaching to the point of illegality, irregularity, or other error, on account of which the suit may be sent back. The considerable employment of the Principal Sudder Ameen (*b*) by the Magistrate requires, the Court think, to be discouraged. To such occupation of his time, provided it consist with a due and prompt discharge of his civil duty, there may be ordinarily no objection; but when an officer's civil file shows cases pending older than twelve months, and when he occasionally needs to be stimulated to diligence in that branch, the inference is not easily avoidable, that large demands on his attention in the criminal department are liable to interfere with, or induce a postponement to that foreign duty of his proper work.

(*a*) Confirmed, ... 23
Modified or reversed, ... 19

(*b*) *Note.*—He decided 228 criminal cases, in which 430 persons were concerned.

64. 2 appeals from the Principal Sudder Ameen were disposed of by the Sudder Dewanny Adawlut, by the remand of one, and modification of the judgment in the other; 2 were also heard from Mr. S. Fraser, and in both the decision confirmed.

65. Something short of 700 decisions on trial, of regular suits, by the three Moonsiffs, appears to have been quite as much as the state of their files, on which only 140 suits were left pending, admitted of; and it was in reference to the fact of the work coming before these officers being generally insufficient to supply ther files, and to the Principal Sudder Ameen's business being such as to admit of a transfer to him of Moonsiff's cases to try and decide in that capacity, that the question was suggested of reducing the present strength of the Moonsiffee establishment in this zillah, to which, at the end of his report, Mr. Lean negatively replies. While all the Judge's arguments against reduction do not appear to the Court conclusive, they are not, at the same time, disposed to urge further, for the present, any proposal in favor of that measure—but the subject will be again reverted to. Two out of the three Moonsiffs cannot receive credit for accuracy of judgment or carefulness of decision, in so far as the marginal result of appeals tried by the Judge is a test. (*c*)

(*c*)

Moonsiff of	*Confirmed.*	*Reversed or Modified.*
Banda, ...	35	18
Julalpore, [Niamut Ushruf,]	20	17
Tirhoa, [Mashooq Ulee,]	22	29

66. The number of applications for execution of decree finally disposed of by full enforcement in this district was 247, the number partially carried out 137.

67. The office of additional Sessions Judge was, as Government know, abolished at the end of the year, the political duties of Agent to the Governor General being also dissociated from the office of Judge.

ALLAHABAD.

68. A decrease in the number of cases before the courts of this district of 340, as compared with the preceding annual period, quite accounts, without reference to the interrupting influences mentioned in the Judge's 4th paragraph, for the decisions having been fewer by 253 in the year under report. The Judge, Mr. A. Lang, sat 188 days on the civil side, trying and deciding 336 regular suits, of which all but 6 were appeals, the whole of the latter description of business having been retained on his own file, and the services of the Principal Sudder Ameen being thus available for disposing of applications for executing decrees, to which they were chiefly devoted, criminal duties occupying the Judge 59 days. In 18 appeals Mr. Lang called in the aid of Regulation VI. 1832, abiding by the verdict of the agency employed in all but 2 cases; but at the same time expressing his opinion [in which nearly all Judges join] of the undoubted hostility of respectable natives to such employment, chiefly from the dread of making enemies of parties, against whom they give their award. The Judge also passed orders on the merits of 498 miscellaneous cases, headings 1 to 14 of statement No. II., and many more (*d*) under the other less important headings;

JUDGE.	
Headings, Nos. 1 to 14, ..	786
„ „ 15 to 17, ..	7780
	8566

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14, ..	642
„ „ 15 to 17, ..	204
	846

(*d*) 7780.

and his continued able superintendence of the subordinate courts is apparent in the improved state of the department of execution of decrees, and the better result of appeals from these tribunals, and reflects credit on his administration. Of 8 appeals, which came before the Court from Mr. Lang, his order was confirmed in one-half, while 3 were remanded, and 1 dismissed on default.

69. Paragraph 71, of the Court's report for 1841, mentioned the demise of the Principal Sudder Ameen of this district in the course of the past year; the office was, in consequence, for some time vacant: and, on the succession of a new incumbent, his attention was particularly called by the Judge to clearing his file in the execution of decree department, a circumstance which, coupled with this officer's illness shortly after his assumption of charge, and the intervention of the holidays, prevented the decision on trial in his court of more than 89 regular suits, viz. 78 original and 11 appeals—and also renders the formation of any opinion on the judicial merits of Moolvee Ruzeeoodeen, the new Principal Sudder Ameen, as inferred from the result of appeals from his decisions, premature. Mr. Lang's general estimate of his abilities, and testimony to his diligence, as stated in his 8th paragraph, are at the same time very favorable. In the same court orders were passed on the merits of 361 (*a*) miscellaneous cases, headings 1 to 14, in which 222 decrees fully executed were included. A few criminal cases were also tried in aid of the Magistrate.

(*a*) *Note.*—Also 203 orders under remaining headings.

70. The Judge's 10th paragraph and the statements themselves present the Sudder Ameen, Syud Kuramut Ulee Khan, in a better light than the Court's last annual report, paragraph 72, could do, leading to the inference that that expression of disapprobation has not been without useful result. The trial and decision of 232 original suits, the disposal by an order on the merits of 267 miscellaneous cases [of which 108 were decrees enforced in full], and the trial of 75 criminal cases with 177 persons concerned therein, comprehend a creditable amount of work done; and though the appeal statement shows the unfavorable proportion of only 26 orders confirmed out of 72 appeals tried, or very little more than one-third, the Judge has explained, that among the reversals, as many as 18 rested on the decision of 2 appeals, in which, the ground of dispute being similar, the view taken by the Sudder Ameen was overruled. A marked "improvement" was likewise observed in his decisions during the latter half of the year.

71. The performances of the 4 Moonsiffs amounted to 1233 (*b*) regular suits adjudicated on trial, at an average rate of about 308 to each officer, and 1,440 orders passed, after investigation, in the miscellaneous branch, including 609 decrees fully executed. Of this grade of functionaries, the general estimate given by the Judge is satisfactory. Two of the number employed in the year under report have since died. The proportion of decisions on 'consent' by these officers is high; the Court do not observe that it has been commented on by the Judge. Out of 248 appeals tried and decided in the Judge's court, there appeared no cause to interfere with the Moonsiffs' orders in 155, or 62½ per cent, and the result is satisfactory in the case of all but one, Syud Mohumud Tukee, of Kydgunj, whose orders, reversed or modified, about equalled the number of those affirmed: the Judge, however, conceives, that the honesty and good faith of this Moonsiff are good qualities which counterbalance his defects of judgment, and it is with reference to his long service and respectability of character, rather than any more than average ability, that he has been recently raised to the higher salary of his class. (*c*)

(*b*) *Note.*—Of which on ikbal dawa, 423
" exparte, ... 256

(*c*) *Note.*—This officer has since retired on a pension.
My letter, No. 1479, dated 5th Aug., 1843.
Your letter, No. 4123, dated 8th Sept., 1843.

72. There were, at the end of December last, on the regular files of this district, 13 suits older than 1842, viz. 6 before the Principal Sudder Ameen, and 7 before the Moonsiffs—of the whole number 5 were remanded suits; and the Judge imputed no avoidable delay save in one case, before a Moonsiff, his remarks on which, throwing blame on the revenue department, were communicated at the time for the notice of the Sudder Board. Of execution of decree cases older than twelve months, there were, when the year closed, 2 before the Judge, and 11 before the Principal Sudder Ameen; on account of the latter no fault was found with the Principal Sudder Ameen, on the contrary his exertions to clear his files were commended. The statement for March shows only 5. There were also 21 (*d*) applications to execute decrees pending before 3 Moonsiffs, for longer than the year. Of these 13 were pending sale of property, and the Judge considered that no delay, which could be prevented, retarded disposal of the rest. This state of things is favorable, as a reference to paragraph 69 of the report for 1841 will denote.

(*d*) Before Moonsiff of Allahabad, 9
" Suraee Akil, 10
" Phoolpore, .. 2

73. The only point remaining to be noticed is Mr. Lang's revival, at the end of his letter, of the question of adjustment of accounts of "wasilat" in execution of decrees, and on that the Court are in correspondence (*e*) with the Sudder Board of Revenue.

(*e*) *Note.*—The result has been promulgated in a circular order, dated 29th May last.

GORUCKPORE.

74. The income of suits having been nearly the same in this district in the year under report and in that which preceded it, some diminution in the number of decisions may be referred to the fewer cases brought before the courts owing to the general file having been lighter by upwards of 300 cases at the end of 1841 than at the beginning, added to which, interruption occurred during the past year in several offices; the Judge's court was for 18 days without any presiding officer but the Principal Sudder Ameen in charge, one of the two Principal Sudder Ameens' courts continued vacant from the middle of July till the middle of November, and mutation thrice occurred in the incumbency of the Sudder Ameenship. The general aspect of civil business, however, noticed as having much improved in paragraphs 76 and 77 of the report for 1841, is yet more favorably represented, by comparison, in the present statements; the heavy arrear then described, as still depending before one Moonsiff [of Burhulgunj], had, by the end of 1842, almost disappeared. At that date the regular work pending for longer than the year comprised 30 original suits of 1841 [of which 15, or one-half, were before the Sudder Ameen], and 2 appeals on the Judge's file of the same year. Of the Sudder Ameen's cases the delay appeared, in some instances, to be accounted for by repeated transfers, to and fro, of the suits from one jurisdiction to another, which it became necessary to make; and the officiating Judge having urged the Sudder Ameen to use all exertions towards their disposal, and having similarly recorded proper remarks on the other cases of a like kind, no orders were called for from the Court in furtherance of his injunctions.

JUDGE.	
Headings, Nos. 1 to 14,.. ..	1262
,, ,, 15 to 17,.. ..	3674
	4936

2 PRINCIPAL SUDDER AMEENS.	
Headings, Nos. 1 to 14,.. ..	917
,, ,, 15 to 17,.. ..	1
	918

75. The only miscellaneous arrears, deserving notice, were 18 applications for execution of decree before the Sudder Ameen and Moonsiffs older than 1842, of which 10 were on the file of one Moonsiff, Doorganarain, of Belwa Mehwadee,(a) 5 of the same having been instituted as long back as December 1840. The officiating Judge, however, stated his opinion, that the measures taken by this Moonsiff in all the above cases were satisfactory, and the delay imputable to no neglect on his part. But the Court could not avoid remarking, that two years is much too long a period for cases of this kind to remain pending, and the attention of the Judge was called to the expediting of processes in such cases, and particularly to the exercising of a better superintendence over the Ameen establishments by the lower courts.

(a) *Note.*—Late Burhulgunj.

76. Mr. Armstrong, who acted as Judge, brought to decision 230 regular suits, all but 2 of which were appeals, and passed orders on the merits of 676 miscellaneous cases under headings 1 to 14 of statement No. II., besides 3674 orders passed under the remaining headings; sixty-two days were occupied by the duties of the sessions court. 1 appeal from this officer was remanded by the Sudder Dewanny Adawlut, who, of 2 appeals heard from Mr. H. Lushington, confirmed the decision in 1, and reversed it in the other. In the two Principal Sudder Ameens' courts were adjudicated 455 (b) regular suits, of which 71 were original, and the rest appeals, and orders given on the merits of 471 (c) cases of a miscellaneous nature under the first 14 headings of No. II. statement; these officers [of whom Hosein Buksh, 2nd Principal Sudder Ameen, resigned on account of old age, as stated in paragraph 78 of the report for 1841, and was not replaced till after an interval of four months by an officer transferred from Boolundshehur] were not employed in the criminal department. From Nubbee Yawur Khan 8 appeals came before the Sudder Dewanny Adawlut, who confirmed his decision in 2, modified it in 3, reversed it in 1, and sent back the remaining 2 cases by remand. From Nubbee Yawur, the Judge decided 46 regular, and 12 special appeals, confirming his judgment in 32, or about 69½ per cent of the former, but in 5 only, or less than half, of the latter. From decisions of the Sudder Ameen's court 50 appeals were brought to hearing before the Judge and Principal Sudder Ameens, and the order in 31 affirmed. In this court, administered by 3 officers successively, but by Cazee Yar Ulee [since transferred to Azimgurh] for eight and half months of the year, 211 (d) original suits were tried and decided, and 107 miscellaneous cases disposed of by an order on the merits—a few criminal cases also.

(b) Nubbee Yawur Khan, ... 322
Meer Hosein Buksh for 5½ months, and Syud Vilayut Ulee for 1½ months, 133

(c) 396 Nubbee Yawur.
75 Other two.

(d) By Yar Ulee, ... 162
,, Fuzl Uzeem, ... 48
,, Mohumud Luteef,.. .. 1

77. The 10 Moonsiffs, with an 11th additional one for about three and half months, decided on trial 2880 (e) regular suits, at an average rate [deducting 42 decisions of the additional Moonsiff] of nearly 284 decisions to each officer: of the individual Moonsiffs, 3 exceeded the fixed yearly rate, 1 nearly approached it, 1 a little surpassed, and 2 somewhat fell short of the average rate given above, while 3 came a good deal below it—but of the latter, the files of two were light, and the third was made Sudder Ameen in the middle of November. The miscellaneous work done by these officers included a creditable proportion of executed decrees; out of 1589 decrees fully enforced, and 644 partially carried out by the courts of this zillah, the Moonsiffs having disposed of 1151 and 395 respectively. The proportion of

(e) Of which by confession, 1074
,, exparte, 439

regular suits, in which judgment went by confession, appears large, nor has the Judge attempted to explain the cause.

78. In the appendix to the last civil report the characters and qualifications of the judicial officers of this zillah were entered into in detail; and the general estimate formed of the Moonsiffs represented them as, beyond the ordinary average, good: out of 479 appeals from their courts tried and decided during the year by the Judge and the two Principal Sudder Ameens, no interference was exercised with the original order in 285, or about three-fifths.

AZIMGURH.

79. Paragraphs 81 to 85, both inclusive, of the Court's report on civil justice for 1841, showed, in reference to this district, an insipient improvement in the administration under the auspices of Mr. Robert Neave, whose presentable and interesting report bears satisfactory evidence to the advance which has been made during the past year towards increased efficiency in all the courts, and entitles him to credit for judicious and skilful management, no less than to the praise due to much activity and zeal. An increase of business in 1842, as compared with the year preceding, chiefly in the Moonsiffs' courts, was met by corresponding exertion, so as to prevent the result of heavy files; the state of the Judge's own court is, by contrast with the appearance of its file at the close (*a*) of 1841, especially indicative of the success of Mr. Neave's labors: of 7 appeals older than 1842 depending at its close, 5 had been decided before the statements came up, and the remaining 2, together with 7 applications for execution of decree before the same court older than twelve months, were about to be disposed of, and "nothing was pending admitting of disposal" at the date of Mr. Neave's report. Except for one month at the end of the year, when circumstances compelled his departure on leave, Mr. Neave presided as Judge throughout 1842; during which period 353 (*b*) regular suits [all but 2 of which were appeals] were brought to decision on trial, as well as 5348 miscellaneous orders passed on the merits, and of these 506 (*c*) concerned cases under headings 1 to 14 of statement No. II., ordinarily demanding time and trouble in the investigation, credit being particularly due to the Judge for his clearance of the special appeal arrear. Less than fifty days was occupied by duties in the sessions court, but considering the vigor and extent of Mr. Neave's superintendence of the lower tribunals, his exertions deserve commendation. 2 special appeals from his court were remanded by the Sudder Dewanny Adawlut.

Judge.	
Headings, Nos. 1 to 14,.. ..	631
,, ,, 15 to 17,.. ..	4842
	5473

Principal Sudder Ameen.	
Headings, Nos. 1 to 14,.. ..	369
,, ,, 15 to 17,.. ..	422
	791

(*a*) See paragraph 81 of civil report for 1841.

(*b*) By Mr. Neave,.. ..	286
By Mr. G. Lindsay,..	67
(*c*) By Mr. Neave,.. ..	462
By Mr. Lindsay,....	44

80. The aspect of affairs in the Principal Sudder Ameen's and Sudder Ameen's courts was not so favorable at the close of the past year; but this is, in a measure, accounted for by the illness of the one, and the inefficiency, owing to physical feebleness, of the other. The decision in the former tribunal of 46 original suits, and 178 appeals, and the passing of 634 (*d*) miscellaneous orders after investigation, would not have been deemed so insufficient as to call for blame, allowing for the cause stated above, but for the nature of the suits left pending; these were 81 original suits, and 9 appeals—but 39 of the former, and all the latter, besides 17 cases of execution of decree and 3 oozurdaree petitions, were of older date than 1842 at its close. It is true that some of the regular suits of nominally old date had been remanded during the past year—that a small portion of all the arrears had already been disposed of before submission of the statements, and yet more by the end of March—and that the Principal Sudder Ameen's "severe indisposition," which is stated to have hindered his transaction of any business at all in November, [October having been a vacation,] and only suffered his performance of a little in December, might excuse the non-disposal of a part of the rest; but none of these reasons palliate the fault objected to Mohumud Luteef, in paragraphs 6 and 7 of Mr. Neave's report, of omitting to take up cases as they stand on the list, and thus neglecting the older, and, generally, more difficult suits. The admonitory notice of this point by Mr. Neave, and his intention to retain for the present all appeals on his own file, will have, and, as it appears, has, tended to amend these defects.

(*d*) Of which 212 were under headings 1 to 14 of statement No. II.

81. The Principal Sudder Ameen's illness was in part ascribed to the inconvenience, heat and unsuitableness of his cucherry for a public office; and it is, therefore, satisfactory that an arrangement has been (*e*) effected for appropriating the circuit bungalow at Azimgurh as an office for both the Principal Sudder Ameen and Sudder Ameen, whence also additional accommodation has been afforded [much needed] for the deposit of the records. The appeals decided from Mohumud Luteef's orders were too few to call for notice, those disposed of having been almost all from decisions of his predecessor, Mohumud Ulee Nukee Yawur.

(*e*) Vide paragraph 18 of Mr. Neave's report. My letter, No. 646, dated 3d April last. Your reply, No. 1974, dated 20th idem.

82. There were 28 regular suits at the close of 1842, older than that year, before the Sudder Ameen, of which, however, 13 had been decided before the statements came up. The operations of this court, under an officer [in Mr. Neave's words] "professedly inadequate to the task," scarcely require notice. They were of course insufficient in amount. The incumbent, Syud Ilaheebuksh, vacated office on a pension before the end of the year; and the Court are glad that the career of this person, of excellent character and long service, was thus enabled to terminate in honorable retirement. His office will quickly be restored to a proper state, under a successor possessed of the necessary energy and strength [in which the late Sudder Ameen was from age deficient] to do justice to its duties, and this successor, it is hoped, has been found in Cazee Yar Ulee.

83. In the estimate of the Moonsiffs, three in number, there is a great difference. The character of Mohumud Suleem, Moonsiff of Azimgurh, stands high both for integrity and judicial efficiency. He appears to have done his duty well; and the appeals from his decisions were few in number, and the result of those decided [as stated in the Judge's 10th paragraph] highly in favor of his judgment. The other two Moonsiffs, named Syud Ruheem Ulee and Sheikh Shoojad Ulee, were referred to in paragraph 84 of the last annual report, and in paragraph 50 of your reply, dated 10th November last; and the Court regret, that the hope entertained of the postponement of their appearance before the Benares Examination Committee inducing improvement in these officers has been disappointed. Particulars regarding them are detailed in Mr. Neave's 11th to 13th paragraphs, both inclusive, whence it will be seen, that the last-named Moonsiff resigned on being required to stand the test—and that the former [Ruheem Ulee], on exhibiting an evident desire to evade, a second time, subjection to the ordeal, has been made to vacate office until the next opportunity may allow of proof being had of his fitness or the contrary. Mr. Neave's comments on these functionaries present no ground for regret, if both should undergo displacement. Nearly all of the 28 suits appearing on the Moonsiffs' files of earlier date than the past year at its close, were before them, having been remanded, chiefly, as it appears, by the officiating Judge, Mr. G. Lindsay, in December last.

84. The Judge (*a*) speaks favorably of the performances, generally, in this district, in carrying out execution of decrees; 512 appear to have been fully enforced, and partial execution effected in 419.

(*a*) Para. 14.

85. From the 20th paragraph to the end of his report, several general matters of interest are discussed by Mr. Neave—most of his observations relative to the Moonsiffs' courts are met by the passing of Act VI. of the current year; but that enactment lends additional strength to his reasonable argument [also advocated by Mr. Harington, Judge of Jounpore,] in favor of an increase of the emoluments of this class of judicial officers. On the subject of collusive decrees, treated of in paragraph 24 of the letter [as well as by Mr. Boulderson in his report on Futtehpore], correspondence has since passed, as has been before stated, with the Calcutta Court, and the draft of a proposed Act submitted to the Supreme Government. Referring to the interpretation to be put on Clause 1, Section 5, Regulation II. 1806, to which paragraphs 25 and 26 of Mr. Neave's address relate, the Court have informed him that the purpose of a defendant in pursuing a certain line of conduct must be inferred from the tendency and effect of that conduct; and that if a defendant be found to be making away with his property in any of the three ways described in the Regulation, and it be established that the effect of his act will be to defeat execution against him of eventual judgment, there would exist in such proceeding quite enough "ground to apprehend" [which is the extent of the law's requirement] that the object and purpose of defendant accorded with the tendency of his act. Mr. Neave has since requested that his 25th paragraph might be cancelled. While the Court recognise much truth in the observations in the 29th and following paragraphs [to the end] of the Judge's letter, on the evil operation, in certain respects, of Regulation XII. 1833, they do not consider this the fitting occasion for reviving objections, already before Government, to that law—being, nevertheless, of opinion that much further time can scarcely elapse, without some alteration being forced on the Legislature of the Regulation quoted.

JOUNPORE.

86. From the formidable mass of arrear, which the returns of this district exhibited three years ago, and up to, and after, the present acting Judge's assumption of charge, the change denoted by the present statements, showing almost no business of earlier date than the period under review, cannot but be most satisfactory—while all the credit on account of this favorable result is justly due to Mr. Harington. The 86th and following paragraphs of the civil report for 1841, in commenting on the state of the civil administration represented by that year's returns, drew a pleasing contrast between the earlier and more recent condition of the several files of the inferior courts, and a perusal of Mr. Harington's present laborious report will fully demonstrate the further success that has been attained through his exertions, and the increased efficiency of the closely superintended tribunals.

JUDGE.

Headings, Nos.	1 to 14, ...	503
,, ,,	15 to 17, ...	5805
		6308

2 PRINCIPAL SUDDER AMEENS.

Headings, Nos.	1 to 14, ...	560
,, ,,	15 to 17, ...	796
		1356

11 (*a*) original suits of 1841 before the native courts, and 3 appeals on the file of the Judge, comprehending, as they did, the whole of the regular work depending beyond the year reviewed, together with a few applications for execution of decree instituted earlier than 1842, constitute an amount of arrear too small to call for notice, involving, besides, no imputation of delay or want of care against any of the judicial functionaries. On the other hand, the actual extent of reformation effected may be estimated by a consideration of the fact asserted by Mr. Harington, that, supposing the exertion of proper diligence by the parties themselves and their vukeels, the people "may now, without difficulty, ordinarily prosecute their claims through the several courts to the final determination of them in appeal in the course of a few months."

(*a*) *Note.*—Before Principal Sudder Ameen, ... 5
,, Acting Sudder Ameen, ... 2
,, Moonsiffs, ... 4
Of which 1 case before the Principal Sudder Ameen, 2 before the Sudder Ameen, and 2 of the 4 in Moonsiffs' courts had been decided prior to submission of the statement—the remaining Moonsiffee suits having been also remanded for re-trial towards the end of the past year.

87. The performances of the several courts [whose strength was reduced to its ordinary measure early in 1842 by the abolition of a temporary extra office of additional Principal Sudder Ameen, which had been created and had worked its destined object within little more than six months] were satisfactory; the decision in the Judge's court of 258 (*b*) appeals on trial, and in the Principal Sudder Ameen's of 177 (*c*) regular suits, of which 65 were original, and the remainder appeals, was quite as much as the state of the respective courts' files permitted the disposal of; orders were also passed on the merits of a large number of miscellaneous cases, viz.

(*b*) 239 Mr. Harington.
19 Mr. Tulloh.

(*c*) Mohumud Yoosuf, ... 145
Mohumud Moostufa for 6 weeks, 32

	In Judge's Court.	*In Prinl. Sudr. Ameen's.*
Headings 1 to 14, ...	252	313
Headings 15 to 17, ...	5779	785

the work in this department having been increased by the assertion during the year of a large number of dormant claims on account of dues in pauper cases, on the part of Government, in which the Principal Sudder Ameen's services were extensively used. Besides the above, both courts performed criminal duties, but the Judge's time was less engaged by the latter than in 1841, greater scope being thus afforded for the exercise of his controlling and supervising functions. The opinion held and expressed by the officiating Judge of both Mohumud Yoosuf, Principal Sudder Ameen, and Mohumud Moostufa, Sudder Ameen, [who was away on deputation for the greater part of the year] represents their judicial character and merits in a creditable light.

88. In the Sudder Ameen's court, 256 regular suits were brought to decision, after trial; Cazee Zeeaoolah, one of the Moonsiffs, [and now acting as Sudder Ameen of Ghazeepore,] officiated nearly the whole year [an interval of about one and half months only excepted] in the office; and his exertions and general good conduct are spoken of by Mr. Harington in terms of commendation, which efface the somewhat unfavorable impression on that head derivable from paragraph 89 of the last annual report. The fact of the files of this tribunal being only kept duly supplied by transfers of cases from the Moonsiffs' courts, and the other arguments, adduced by the acting Judge, to demonstrate that the amount of work is quite insufficient to employ a Sudder Ameen, and that the functionary of that grade is *de facto*, in all but designation and salary, a Moonsiff, are convincing, and quite warrant Mr. Harington's proposal for abolishing the office of Sudder Ameen, [the few cases properly cognizable by whom can, without the slightest risk of over-work, be referred to, and tried by, the Principal Sudder Ameen, as Sudder Ameen,] and appointing a Moonsiff, in addition to the 3 officers of that grade, instead. The Court, therefore, intend, with the sanction of Government, to take the earliest opportunity that may offer, of transferring Moolvee Gholam Mohumud Moostufa as Sudder Ameen to some other district, when the appointment of a 4th Moonsiff to be stationed in the town, as shown by the Judge to be necessary, would take effect.

89. The quantity of civil business, regular and miscellaneous, disposed of after investigation, in the 3 Moonsiffs' courts is considered very satisfactory, exceeding, by a good deal, the rate fixed as the minimum of performance for this grade, and averaging 29 cases a month to each Moonsiff. The dismissal of one inefficient Moonsiff [of Moofteegunj] was alluded to in paragraph 90 of the last report; the present functionaries are all spoken highly of, and the Court will be ready to give permanency to the position of Syud Bunda Ulee, now only acting, whenever the carrying out of the arrangement referred to in the preceding paragraph may put it in their power. The other Moonsiffs, Moolvee Fuzl Oolah (*d*) and Moolvee Morad Ulee, both officers of experience, are classed as equal by the Judge. Any revised adjustment of the Moonsiffee jurisdictions in correspondence with the revenue divisions [should such be found practicable] will be most conveniently effected, when the question of the appointment of a 4th Moonsiff is settled.

(*d*) *Note.*—The result of appeals decided from this Moonsiff's court is more favorable than the general issue of appeals noted in the next paragraph, showing 38 orders confirmed, out of 59 reversed, or about 64 two-fifths.

90. As respects the judicial merits of the several courts shown by the result of appeals, what would appear unfavorable in the fact of the proportion of judgments modified or reversed almost,

on a general average, equalling the proportion of orders confirmed, is in a measure counteracted by the circumstance of the number of appeals preferred in regular suits having, by comparison with the year before, been much fewer. In 1 appeal the order of Mohumud Yoosuf was upheld, and in 1 that of Mohumud Moostufa reversed, by the Sudder Dewanny Adawlut, who, also, of 2 appeals before them from Mr. Harington's court, affirmed the judgment in one, and remanded the other.

91. The various questions of general interest connected with judicial matters, discussed by Mr. Harington, do not call for any particular remark. The observations in his 17th to 19th paragraphs are now met by the passing of Act No. VI. of the current year. The Court had much pleasure in recognising the importance and merit of Mr. Harington's (*a*) labors in effecting a complete arrangement of the records of his court, a work which was held to "entitle him to the thanks of Government, and the gratitude of the whole district." Rules, in English and Oordoo, for the "adjustment of civil records," prepared with much pains by this officer, were circulated to the zillah Judges generally early in this year.

(*a*) See my predecessor's letter, No. 1392, dated 25th July, 1842. Your reply, No. 1620, dated 20th August.

MIRZAPORE.

92. There was a decrease of above 200 in the number of cases brought before the courts of this district in the past year, as compared with 1841, which accounts, together with other interrupting causes, for the decisions having been fewer to nearly the same extent. Though the regular suits on the files, older than 1842 at its close, were nominally 7, 6 of that number had been remanded for re-trial, chiefly at a late period of the year under report: the remaining suit was one instituted before the Moonsiff of Cutchwa, in May 1841, for the delay respecting which that officer [Moolvee Mohumud Nuseer] did not escape blame. On the miscellaneous file of the Principal Sudder Ameen's court there was, when the year ended, rather a considerable arrear of applications for execution of decree older than twelve months, viz. 2 of 1840, and 15 of 1841, which is, however, explained by the office in question having remained without a head for four months, a cause of delay which ceased to operate by the arrival of the new Principal Sudder Ameen from Moradabad on the 10th December last.

JUDGE.	
Headings, Nos. 1 to 14,..	1050
" " 15 to 17,..	2009
	3059

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14,...	717
" " 15 to 17,..	23
	740

93. Mr. R. J. Tayler [who had been previously absent on leave] (*b*) was compelled by sickness to vacate the Judge's office at the end of April, being succeeded from the 10th May by Mr. A. P. Currie, who officiated during the rest of the year. The decision of 232 (*c*) suits [all but 2 being appeals] in the Judge's court, was as much as was allowed by the state of business on the regular file, which showed only 24 appeals pending at the close of the year. The comparatively smaller demands in the department of sessions and criminal appeal (*d*) at the same time permitted of the performance of more miscellaneous civil work, viz. 513 orders passed after investigation under the 14 important headings of statement No. II., and 1941 under the last three headings of the statement. 12 special appeals came before the Court from Mr. R. Tayler, whose order was confirmed in 5, and reversed in 2, while 5 cases were sent back by remand. 1 appeal was also remanded to Mr. A. Currie's court.

(*b*) See paragraph 92, of report for 1841.

(*c*) Mr. Tayler,.. 38
Mr. Currie,.. 194

(*d*) By these duties, were occupied in
1841 .. .. 90 days.
1842 .. .. 49 "

94. 200 decisions after trial, of regular suits, viz. 148 original, and 52 appeals, and 409 miscellaneous orders passed after investigation of the cases, appear to have been as much as was susceptible of performance in the Principal Sudder Ameen's court on the civil side, with reference to retarding causes noticed—on the criminal side, however, 87 cases were disposed of, wherein 182 persons were implicated. Most of this work was done by Syud Tusudooq Hosein Khan, whose merits and demerits are discussed in paragraph 93 of the Court's civil report for 1841, and paragraph 54 of your reply, dated 10th November last—and the grounds of whose removal to zillah Moradabad, a reference to correspondence in the margin (*e*) will show. The considerable doubt thrown on the correctness and efficiency of this officer's proceedings by the last report, can scarcely receive satisfactory solution from the present returns, as was desired by the Lieutenant Governor. Mr. A. P. Currie found him "attentive and very intelligent;" of his judgment the very few appeals heard could hardly allow of an opinion being formed; 5 appeals were tried by the Sudder Dewanny Adawlut, who remanded 3, and affirmed the order in 2. Tusudooq Hosein's character was in no degree affected by the charge of corruption mentioned in the Judge's 4th paragraph, which the Court believe to have been frivolous, and their dismissal of which was duly reported to Government at the time under Act XXVI. of 1839.(*f*) This man's ability has been repeatedly acknowledged—of this his transfer to Moradabad was a proof, the size of that jurisdiction and the then heavy state of the civil file demanding the services of an able officer; and the Court "conceived that his

(*e*) My predecessor's letter, No. 1419, dated 2d Augt., 1842. Your reply, No. 1647, dated 7th September, 1842.

(*f*) Register's letter, No. 1821, dated 9th September, 1842. Your reply, [concurring in dismissal of charge of bribery] No. 2177, dated 19th November.

"removal at an early period to a zillah, where the state of business would impose on him a stricter "obligation to discharge his judicial duties with care and attention, was calculated to have a beneficial "effect towards a correction of defects that had been noticed."(a) The degree in which this result may have followed his transfer, the operations of the current year, when reported, should afford means of judging.

(a) Register's letter, dated 2nd August, 1842, paragraph 2.

95. The small establishment of 3 Moonsiffs, it was thought, might be still further reduced by abolishing the office of Chunar Moonsiff, which there seemed scarcely work enough to maintain. The Court abstained from urging the measure against the opinion of the Judge, who apprehended, that it would leave the file of the Cutchwa Moonsiff too heavy; but the Judge having also questioned the efficiency of the incumbent of the latter office, it will remain for deliberation, whether the demands of the zillah would not be satisfied by two efficient and active Moonsiffs, since the ordinary state of the Principal Sudder Ameen's file will quite admit of occasional reference to him of suits to be tried in the capacity of Moonsiff: 714 (b) decisions after trial were as many as could well have been passed by the Moonsiffs, for their files were light—especially the Chunar Moonsiff's, which last office had, moreover, several changes of incumbents, and was four months vacant. The marginal note (c) of the result of the appeals tried is most favorable to Mr. McGowan, who, also, disposed of much more miscellaneous, as well as regular work, than the other two Moonsiffs' courts. The number of decrees fully executed in this zillah was 408, and carried through in part 250.

(b) Of which—
By confession, ... 180
Exparte, ... 118

Moonsiff of	*Confirmed.*	*Modified or Reversed.*
(c) Mirzapore, Mr. McGowan, ..	67	26
Chunar, several officers, ..	17	12
Cutchwa, Mohumud Nuseer,	31	26

96. A reference to the note of the Sudder Judge on circuit [Mr. F. Currie], appended to the civil report for 1841, will show that a re-adjustment of the peadah establishments of the Moonsiffs' courts, and the systematic arrangement of the records of the zillah court, were noted as important desiderata in this district. The former object has been effected, and the Judge's concluding paragraph shows some progress to have been made towards an accomplishment of the latter.

BENARES.

	Regular suits:	*Execution decrees,*
1840, ...	235	 259
1841, ...	229	 191
1842, ...	204	 126

97. From the marginal comparative detail of business, regular and miscellaneous, pending for longer than twelve months before the courts of this zillah at the close of the respective years, an improvement is represented, which, as regards, at least, the less tendency to accumulate, of suits of former years, is confirmed by the more recent statements, and which enables the Court to make a certainly more favorable report of the judicial proceedings in the Benares district than paragraphs 95 and following of their address for 1841 displayed. When the year under notice came to a close there were on the several files,

Original suits, of 1841, ...	147
,, of earlier years, ...	56
	203

of which the detail is given in the margin; (d) also 1 appeal before the additional Judge. Prior, however, to submission of the statements for the month which exhibited this arrear, a considerable portion thereof [108 (e) suits] had been decided, and, of the remainder, 37 suits had been remanded for re-trial, according to the following note:

To file of Principal Sudder Ameen, ...	8
,, Ditto Additional ditto, ...	4
,, Ditto Moonsiff Mogul Surae, ...	6
,, Ditto ditto Chandnee Chowk, ...	6
,, Ditto ditto Subhaeepore, ...	8
,, Ditto ditto Merwadee, ...	5
	37

in a good proportion of which, the order for remand was issued at the end only of the past year, and the whole number of regular suits older than 1842, when last March ended, seems to have been 77: similarly the cases of execution of decree of date prior to 1842, were at the end of that year,

JUDGES.

Headings, Nos. 1 to 14, ...	1014
,, ,, 15 to 17, ...	4752
	5766

2 PRINCIPAL SUDDER AMEENS.

Headings, Nos. 1 to 14, ...	535
,, ,, 15 to 17, ...	1098
	1633

(d) Before Judge, ... 1
,, Principal Sudder Ameen, 19
,, Additional ditto, .. 49
Moonsiffs. Mogul Surae, ... 35
Chandnee Chowk, ... 34
Jugutgunj, ... 2
Subhaeepore, ... 30
Merwadee, ... 33
203

Since decided.

(e) By Principal Sudder Ameen, 9
By Additional ditto, .. 24
Moonsiff Mogul Surae, .. 28
,, Chandnee Chowk, .. 10
,, Jugutgunj, ... 2
,, Subhaeepore, ... 16
,, Merwadee, ... 19
108

Before Additional Judge, ...	17
,, Principal Sudder Ameen,..	18
,, Additional ditto, ...	10
,, Sudder Ameens and Moonsiffs, ...	81
	126

and by the end of March of the present year the number of such cases of longer standing than twelve months was 77. Of 71 applications to execute decrees which, out of the 81 pending at the close of December, were before the Moonsiffs' courts, the largest portion was on the files of two officers of that grade, viz.

	Execution decrees.	*Oozurdaree cases.*
Moonsiff Mogul Surae, ...	35	 9
,, Chandnee Chowk, ...	19	
	54	

Although the aspect of business in general is less unsatisfactory by comparison, the Court do not, at the same time, desire to imply, that so large an habitual file of old cases is consistent with a sound and good mode of administration, or that the best efforts of the Judge and subordinate functionaries can afford to be relaxed, especially now that the strength of the establishment is reduced by the abolition of the office of additional Judge.

98. The performances of the higher courts may be conveniently expressed by the subjoined memorandum:

	Regular suits decided on trial.		*Decrees executed in*
	Original.	*Appeals.*	*full or part.*
Court of Judge, ...	1	63	23
,, Additional Judge, ...	0	259	142
,, Principal Sudder Ameen, ...	129	0	69
,, Additional ditto, ...	106	0	65

[The two latter as Sudder Ameen also.]

to which must be added a considerable portion of miscellaneous work disposed of by an order on the merits in the civil, and by the Judge and Principal Sudder Ameen in the criminal and agency departments. As respects the Judge, Mr. Rivaz, that officer, in his 3rd paragraph, urges, in excuse of his few decisions, reasons of a like nature to those formerly stated, consisting in his liability to interruption in the civil court by demands on him as Agent to the Lieutenant Governor, and, specially on this occasion, the inclusion among the suits decided by him of some heavy cases. It is true, as respects the past year, the state of his file might have hindered the disposal of more, as it was very light at the close of the year—but then the bulk of the appeals were made over to the additional Judge; and, the latter agency being now withdrawn, unless Mr. Rivaz shall contrive to exact *very efficient* aid from his Principal Sudder Ameens in trying appeals, and procure the performance by them, and also manage to perform himself, considerably more work than heretofore, the Court cannot but apprehend embarrassment and arrear, notwithstanding the relief lately caused by the transfer of the duties of Agent elsewhere. The marginal quotation (*a*) of a letter written to Mr. Rivaz by order of the Judge of the Court, who revised his quarterly statements, for the period under review, will denote that no deficiency of industry is imputed to Mr. Rivaz, whose habits of conscientious assiduity are believed to be most exemplary. But a sedulous devotion of 148 days to civil duty [as in 1842], even deducting from them such occasional intervals as are stated to have been lost in sessions or criminal appeals, ought, with proper method and management, to produce more abundant fruit. The Court hope, with the co-operation of his Principal Sudder Ameens, the Judge may now effect this.

REMARKS ON STATEMENTS OF 2ND AND 3RD QUARTER.

(*a*) "For the apparently inadequate amount of your work, particularly in August, [when, in addition to other impediments, illness is assigned as a reason,] you have attempted to account in each statement by referring to the other demands on your time and attention as Agent to the Lieutenant Governor, and as Judge of sessions and criminal appeal; and seeing that, in a former recital, you have recorded the due keeping up by you of a diary, by which your regularity and period of attendance in court each day can be tested, and which you offer to the inspection of the Court, the Court cannot question your application and anxiety duly to acquit yourself of the obligations imposed by your judicial office, while they must, at the same time, regret their being followed by the occasional inadequate performance which the returns denote."

99. The grave causes of dissatisfaction with Moolvee Gholam Yuhya, Principal Sudder Ameen during the past year, need not be dwelt on, having been so recently before Government in correspondence noted in the margin,(*b*) which has ended in the displacement of that officer; and in which correspondence the Court have recorded their doubt of the expediency of the measure adopted in Gholam Yuhya's case, of admitting to the full privileges of a superannuation pension, an officer not

(*b*) Register's letter, No. 551, dated March last. Your reply, No. 1846, dated 12th April.

qualified under the prescribed rules by mental or bodily infirmity or other incapacity for the performance of his duty, on the occasion of his official misconduct being brought to the notice of, and admitted by Government. The succession to the post of a Principal Sudder Ameen of good repute from another district [Cawnpore] will, it is trusted, have a beneficial effect on the administration. The additional Principal Sudder Ameen, Mr. J. Campier, who was not held by the late Honorable Lieutenant Governor (*a*) to have done as much as he ought in 1841, has attempted to explain his inconsiderable performances for the past year, in a letter which, in original, accompanies the Judge's report. His statement may be perhaps admitted; but in ascribing the deficiency to the small number of regular suits before him from month to month, Mr. Campier in a manner pledges himself to effect more if more be given him—and it will be the careful duty of the Judge to watch that his, and the other Principal Sudder Ameen's, files are kept properly replenished.

(*a*) Paragraph 59 of your letter, No. 2109, dated 10th November last.

100. The disturbing influences, which produced interruptions in the 5 Moonsiffs' courts, preventing the decision after trial of more than 1003 suits, giving a rate of about 200 (*b*) to each Moonsiff's share, are already before the Government in paragraph 100 of the Court's report for 1841, in paragraphs 61 to 67 of your reply dated 10th November last, and in more recent correspondence noted, (*c*) and need not be further mentioned here, than as explanatory of such unfavorable results as comparison with former years might detect. Of the above 1003 suits, 228 were decreed on confession of judgment, and 227 exparte. Four out of the 5 Moonsiffs are new incumbents; and though the shortness of their incumbency may have deterred him, the Court would have been better satisfied if the Judge had included in his report some account of the mode in which these men fulfilled their duties, and the degree in which, by their acts, they vindicated their fitness for judicial employment. By the Moonsiffs of the past year 332 decrees were fully executed, and some progress made in enforcing 58.

(*b*) *Note.*—300 per annum being that fixed.

(*c*) My predecessor's letter, dated 10th Feby. last, No. 281, paragraph 15. Your reply, No. 1806, dated 11th April.

101. Kazee Furzund Ulee, Moonsiff of Mogul Surae, the only one remaining of the *old* Moonsiffs, received no flattering character in paragraph 100 of the Court's report for 1841, and the Court have since had to comment more than once in very severe terms on this officer's (*d*) negligence and irregularities while reviewing the monthly statements. Indeed, in the detailed review of the periodical returns, as related to old cases, it became the unpleasing duty of the revising Judge of the Court to extend his animadversion to all the native tribunals, in whose practice very blameworthy defects and errors, both in the regular and miscellaneous branch, no doubt much contributing to retard the clearance of arrears, were noticed to the Judge of the zillah. Among the irregularities, the long time suffered to elapse in the issue of needful orders and process—the impediments caused to the progress of suits by the absence of vukeels, occasioning also great inconvenience to witnesses thereby detained in attendance, or dismissed without their depositions being taken, and thus liable to a second summons—the mere issue of orders by the courts without taking any subsequent care or thought to see that they meet with obedience and fulfilment; thus, granting an indulgence for any specific purpose of five days, and yet nothing more being done in, or heard of, the case during the month or [perhaps] quarter; also, in the department of execution of decrees, needlessly prolonged investigations into objections of oozurdars, and much delay and neglect of Ameens employed in the conduct of sales: these were a few of the most prominent and objectionable. It is hoped their notice may have had a salutary effect; for the Judge was told, "that many were susceptible of easy amendment, provided sufficiently strict and "frequent injunctions were issued calling attention thereto, and holding out a threat of the serious "displeasure of the Court in the event of their continuance uncorrected—the efforts of the Judge being "at the same time given to improve the practice of his subordinates, and bring to special notice those "among them who disregard his exhortations."

(*d*) His judgment is most indifferently represented by the fact of only 16 orders having been confirmed out of 43 revised in appeal—not much more than one-third.

102. The appeal statements do not call for particular notice as respects the functionaries employed in 1842 now no longer in office; but of the additional Principal Sudder Ameen, Mr. Campier, the unfavorable result may be mentioned, that out of 30 appeals decided by the Judge from orders passed by him in that capacity, his judgment was interfered with in as many as 22—and in 4 out of 5 appeals tried by the Sudder Dewanny Adawlut direct, his decision was also modified. The Judge's disposal of 20 appeals from orders passed by him, as Sudder Ameen, was more to his credit, for in 14 the judgment was allowed to stand. 2 appeals came before the Sudder Dewanny Adawlut from Mr. Rivaz's court, but were sent back by remand.

103. Tabular statements marked LL. are forwarded herewith, as they contain the zillah Judge's remarks on some of the incumbent judicial officers, which it would have been more convenient to include in his report.

GHAZEEPORE.

104. The sessions duties, occupying forty-four days, fell light enough in this district to admit of the trial and adjudication in the Judge's court during the past year of the large number of 467 appeals, all but 4 of which were decided by Mr. Heyland, who, returning from leave of absence to the Cape, resumed charge of the Judgeship when the year was only a week old: 23 of the above appeals were tried with assessors, and 2 with a punchayut, and in the whole 25 the Judge concurred in opinion with that agency. In the miscellaneous branch, corresponding industry was shown, above 5000 orders having been passed after investigation, in which 151 decrees executed in full are included. In 1 special appeal before the Sudder Dewanny Adawlut, Mr. Heyland's order was confirmed; but of 4 from the Judge who acted for him, Mr. Armstrong, the Court modified that officer's judgment in 1, sending back the rest by remand.

JUDGE.	
Headings, Nos. 1 to 14,.. ..	766
,, ,, 15 to 17,.. ..	4811
	5577

2 PRINCIPAL SUDDER AMEENS.	
Headings, Nos. 1 to 14,.. ..	700
,, ,, 15 to 17,.. ..	622
	1322

105. Government are aware (*a*) of the Principal Sudder Ameen's department having been strengthened for half the past year by the auxiliary agency of an acting additional functionary of that grade, for the special purpose of reducing the arrear of old standing suits. On the termination, at the end of September, of this temporary appointment [which the Judge reports to have well answered the object of its creation], the regular suits, older than a year, were as in the margin,(*b*) and of course reverted to the file of the permanent Principal Sudder Ameen. At the end of December there continued before him as many as 49 original suits of 1841, and of cases of execution of decree 2 belonging to 1840, and 13 to 1841; the Dusserah vacation and illness at the close of the year, perhaps, hindered his exhibition of a clearer file. The arrear, however, quickly disappeared, for only 2 suits of 1841 appear in the statement of work pending at the end of March last. The regular business decided on trial by the two officers for the respective periods, is stated in the margin.(*c*) Their miscellaneous work also included, besides other matters, the complete execution of 153, and the partial enforcement of 58 decrees. When the first quarter of the current year ended, there were of unexecuted decrees of 1840 and 1841, only one of each year still pending. Mr. Heyland having represented the existence of much delay in this kind of cases when the property lies in zillahs Sarun and Shahabad [L. P.], a communication has been made to the Sudder Dewanny Adawlut at Calcutta on the subject. Though errors are noted in the practice of Mohumud Zuhoor, his reputation as a judicial officer stands high. He gets the higher rate of salary. Of 13 regular appeals heard direct by the Court, his judgment was upheld in 9.(*d*)

(*a*) See paragraph 102 of the Court's civil report for 1841.

(*b*) 57 cases of 1841.
4 cases of 1840.

	Original.	*Appeals.*
(*c*) By Moolvee Mohumud Zuhoor, (*) P. S. Ameen,	221 ..	77
,, Moolvee Gholam Mustufa, Addl. P. S. Ameen,	92 ..	108

* *Note.*—This officer also decided 16 criminal cases.

(*d*) *Note.*—The zillah Judge, however, interfered in 20 out of 38 appeals decided from his orders as Principal Sudder Ameen, but saw no cause for interfering in 49 out of 86 appeals from decisions as Sudder Ameen.

106. Though, with the help thus afforded, the state of the files looked favorable at the close of the year—the decisions on trial having been nearly 400 more than in 1841, notwithstanding an increase of 256 in the cases before the courts, while the general file showed a reduction of 268 suits—circumstances already before Government in the correspondence cited,(*e*) fully warranted the arrangement made from the beginning of the present year for the experimental employment of a Sudder Ameen, to be of temporary duration, or to be made permanent, according as the experience gained of the wants of the district shall warrant. The Court sanctioned the exclusive devotion of the Sudder Ameen's services to the duty of clearing off the older cases of amount falling within his cognizance, and the favorable result is already apparent.

(*e*) My predecessor's letter, No. 2145, dated 15th November last, with enclosures.
Your reply, No. 2527, dated 23rd December.

107. The decisions after trial in the 5 Moonsiffs' courts amounted to 1770 (*f*) suits, and would give an average rate to each of 354 suits; in 1 [the Bullea] Moonsiffship, however, owing to changes in the incumbency, the fixed minimum amount was not reached—while by Mr. Kirk, Moonsiff of Ghazeepore, it was much exceeded, and also, in a less degree, by the other three Moonsiffs. Among their miscellaneous work are comprehended 668 decrees executed in full, and 242 partially enforced. 2 regular suits of 1841 before 1 Moonsiff [of Bansdee], and 7 applications for execution of decree under the same year before several Moonsiffs, comprised all the cases before them older than the year under report. The Court thought these ought not to have remained so long undisposed of; but at the end of March last, 3 of 1841 were still awaiting completion of the tedious processes of this department. Perhaps the reformation of the Ameen establishment, which [as well as the peadah department] was revised during the year, may tend to accelerate proceedings; but the Judge has been cautioned to *keep* his attention directed to these points, in order that the good system, said to be introduced, may be efficiently *maintained*.

(*f*) Of which—
Exparte, ... 511
By consent, ... 368

108. The marginal note expresses the proportion of orders confirmed and interfered with in appeal from the Moonsiffs' courts by the Judge and two Principal Sudder Ameens; regarding some Moonsiffs, the favorable appearance of this result becomes less on considering the *details* of decisions by each individual appellate authority—but an analysis would scarcely lead to any useful or trustworthy deduction.

Moonsiff of	*Confirmed.*	*Modified or Reversed.*
Ghazeepore, Mr. Kirk, ...	86	60
3 Moonsiffs, incumbents, Bullea, ..	74	22
Syud Uhmud Ulee, Bansdee, ...	54	36
Ubdool Uzeez, Kassimabad, ...	72	50
Sheikh Uhmud Ulee, Sydpore, ...	44	21

109. The Court know not, that any advantage could arise from the discussion of the adequacy or otherwise of the sum allowed for Moonsiffs' establishments,(a) alluded to in Mr. Heyland's 16th paragraph as an isolated instance. If insufficient in one district, it must be so in all. Perhaps the time may not be distant when, in modification of the marginal resolution, Government may see fit to increase the allowances, generally, of this important judicial grade, in correspondence with the increased powers now conferred on them by law. An original letter from Mr. Heyland of 27th March last accompanies this address, in elucidation of paragraph 13 of the Judge's report.

(a) Agreeably to the notification of the Indian Government, dated 2nd October, 1837.

KUMAON.

110. Nothing new has occurred to call for remark in the civil administration of this Hill district since the date of the Court's last report, paragraphs 107 to 110 both inclusive; and as the success of the system in force therein described appears from the returns and the Commissioner's observations to have suffered no deterioration or check, and the judicial establishments to work with efficiency, and dispense justice cheaply and well, a brief notice of the past year's operations will here suffice.

Commissioner.	
Headings, Nos. 1 to 14, ...	134
——,,—— ,, 15 to 17, ...	145
	279
2 Senior Assistants.	
Headings, Nos. 1 to 14, ...	1209
——,,—— ,, 15 to 17, ...	255
	1464
1 Junior Assistant.	
Headings, Nos. 1 to 14, ...	175
——,,—— ,, 15 to 17, ...	0
	175

111. As remarked in the last report, the proportion is large of suits dismissed on default, 4800 having been so dealt with out of 7703, the whole number disposed of: the hill people are naturally litigious, and they will take the occasion of casual presence at the sudder station on other business to institute suits, which they may often fail to prosecute. The cheapness of going to law may rather encourage, it certainly need not to deter them from, this proceeding; and as it by no means follows that claims so preferred and so abandoned are not just and good, the Court see no objection in practice to this tendency, where the Regulations, save such parts of them as are embodied in the rules here current, are not in force, and where the strictness inculcated by their requirements is at least both inexpdient and unknown. Of the remaining number 1426 suits were adjusted or withdrawn, and 1477 went to trial and were decided on the merits.

112. A comparison between the past year and that which preceded it, shows that there were upwards of 1000 more cases before the courts in 1842 than in 1841, which accounts for the number pending at the end of the twelve months under notice having been in some measure larger; and although the *strength* of the judicial agency was the same in both periods, yet the degree of its exertion was not —the services of the Junior Assistant having in 1842, from uncontrollable causes, stated in the Commissioner's 4th and 5th paragraphs, been in real effective operation for two months only, and the efficiency of the lower grades having been clogged by the incompetency and negligence of one Moonsiff [of Gurhwal], who was accordingly got rid of.

113. The marginal note shows the relative number of regular suits tried and adjudicated, and of decrees fully or partially carried into execution by the several tribunals; the bulk of this latter description of work, it will be seen, falls to the Assistants, the rules not providing for the execution of decrees by Moonsiffs, and only exceptionally by Sudder Ameens; and the Commissioner states an evident improvement to be apparent in this respect as regards the Assistants' courts, compared with former years, the number of cases disposed of being greater, and the number pending less.

	Regular suits decided on trial.	*Decrees enforced.*
Commissioner, ...	236	3
2 Senior Assistants, ...	456	477
1 Junior Assistant, ...	26	108
2 Sudder Ameens, ...	371	9
2 Moonsiffs, ...	388	0
	1477	

114. Respecting the quality of the decisions of the various courts, the Commissioner, Mr. Lushington, states, that of the European officers employed [whom he characterizes as zealous and painstaking in the discharge of their duties], the decisions are in the large majority of cases satisfactory.

Out of 220 orders revised in appeal, regular and special, there was occasion for interference in only 42, or one-fifth; the result of appeals decided by the Senior Assistants from the Sudder Ameens and Moonsiffs' courts, as noted in the margin,(a) was also very favorable.

(a)

From	Confirmed.	Reversed or Modified.
Sudder Ameens,..	68 ..	 18
Moonsiffs, ...	96 ..	 27

115. The punchayut system, mentioned in paragraph 109 of the last report, was more extensively made use of in 1842, 50 cases having been tried with the help of that agency, and only 1 decided contrary to its verdict. Of the above suits, 40 were adjudicated in favor of plaintiff or appellant, and the remainder the other way. The Court have not thought it needful to recommend the modification of the rules advocated in the Commissioner's 15th paragraph, as it regards the practice of the native Judges' courts. The Court continue to be satisfied with Mr. Lushington's able management.

SIMLA.

116. But few remarks are called for on this Hill tract also, of which the civil judicial establishments are only two, that of the Sub-Commissioner—an appellate court, and the Sudder Ameen, where original suits are instituted and tried. A large falling off is visible in the institutions, as compared with the year before, which the Judge, Mr. Erskine, accounts for in two ways; attributing the result partly to the stricter enforcement of that local rule, which authorizes the exaction of a fee amounting to 5 per cent on the sum claimed, if the decree is passed against the plaintiff; and partly to a closer adherence to the spirit of the same rules, inculcating speediness of decision and abstinence from useless pleadings and forms [which had been prejudicially departed from]; in both cases a salutary check being imposed on the somewhat reckless litigation, a tendency to which is so general. The same large proportion of dismissals on default is apparent as in Kumaon—593 cases having been so dealt with out of 951 disposed of in the Sudder Ameen's court, of the remainder 243 having been adjudicated after trial, and 115 adjusted or withdrawn. In the Court's last report [paragraph 112] the objectionableness of the retention, on the file, of suits failed to be carried on by the plaintiffs, was alluded to as having been pointed out to the officers of this district.

Judge.		
Headings, Nos.	1 to 14, ...	9
,, ,,	15 to 17, ...	93
		102
Principal Sudder Ameen.		
Headings, Nos.	1 to 14, ...	197
,, ,,	15 to 17, ...	2380
		2577

117. There were no arrears of any kind at the end of the year. 199 (b) decrees were completely executed, which was nearly the whole of that kind of work on the files. 28 appeals were tried by the Judge from the Sudder Ameen's court, the original order being only interfered with in 7—a very small proportion, one-fourth.

(b) In Judge's court, .. 7
,, Sudder Ameen's, 192

118. The Court will inform Mr. Erskine that the annual statements mentioned in the margin (c) will in future suffice from his office.

(c) Nos. 1, 2, 6, 7 and 8.

SUDDER DEWANNY ADAWLUT.

119. The number of cases of every description, pending before, and disposed of by, the Sudder Dewanny Adawlut in 1842, is exhibited in the following note, which will be further illustrated by the comparative statement given below.—[*Vide Page* 31.]

Pending on 1st January, 1842.

Regular and Special Appeals, ...		139

Admitted during the Year.

Regular Appeals, ...	81	
Special Appeals, ...	75	156
		295
Total under trial,..		

Disposed of.

Regular Appeals, ...	104	
Special Appeals,..	78	182
Remaining 1st January, 1843, ...		113

IN ADDITION TO THE ABOVE THE COURT DISPOSED OF.

Miscellaneous Cases, ...	771
Ditto Petitions, ...	1761
Petitions for admission of Special Appeal, ...	168
	2700

AND IN THE CRIMINAL DEPARTMENT.

	Trials regularly referred, ...		300
	Ditto ditto called for, ...		76
* Under Section 5—3	* 6 Cases referred under Act XXXI. of 1841, ...		6
Do. „ 6—3	Miscellaneous Cases, ...	143	
	Petitions, ...	382	525
			907

120. The functions of the Court were administered during the period under report by Messrs. Tayler, Thompson and Currie, three permanent Judges, and by Mr. H. H. Thomas, who officiated in that capacity from the 5th January [in place of Mr. Monckton seceded from the Court on the 4th idem] until the 1st June, when he proceeded to Agra to join his appointment as Special Commissioner. Mr. Currie was absent on circuit from the 7th January to 9th February, and Mr. Thompson from the 6th December to the end of the year 1842, on the like duty, while Mr. Tayler remained with the Court during the entire period under review.

121. The aggregate number of cases pending before the Court at the commencement of 1842, was more by 22 than in the corresponding period of 1841; the income of appeals was smaller by 15 than in the year preceding; and a reduction of 26 in the number of suits, awaiting decision at the close

	Regular and Special Appeals.															Miscellaneous.			
	Pending on the 1st January.			*Admitted during the year.*			*Total before the Court.*			*Disposed of.*			*Pending on the 31st December.*						
	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Cases.	Petitions.	Petitions of special appeal.	Total.
1841....	90	27	117	108	63	171	198	90	288	103	46	149	95	44	139	883	2332	136	3351
1842....	95	44	139	81	75	156	176	119	295	104	78	182	72	41	113	771	1761	168	2709
Increase.	5	17	22	0	12	0	0	29	7	1	32	33	0	0	0	0	0	32	0
Decrease.	0	0	0	27	0	15	22	0	0	0	0	0	23	3	26	112	571	0	651

	Distribution of the cases disposed of with reference to the mode of disposal.							
	Confirmed on perusal of the petition of appeal and decree of the lower court.	Confirmed after summoning the respondent.	Reversed.	Modified.	Ordered back for re-trial or further investigation.	Dismissed on Default.	Adjusted.	Total.
1841....	23	29	36	18	34	5	4	149
1842....	22	46	32	20	45	8	9	182
	— 1	+ 17	— 4	+ 2	+ 11	+ 3	+ 5	+ 33

Dates of institution of appeals pending on the 1st January, 1842, and the 1st Jan., 1843.

	1839	1840	1841	1842	Total.
1841..	5	21	113	0	139
1842..	0	0	23	90	113

Pending on the 1st July, 1843.

1840	1841	1842	1843	Total.
0	2	35	71	108

— *minus.* + *plus.*

of December last, as compared with those pending at the end of 1841, is apparent. Those depending at the close of the past year comprised 23 appeals of date earlier than that period, all of 1841—an amount which, on the 1st July last, had been reduced to 2 of 1841, while 90 appeals of 1842 had been brought down to 35. The manner in which 182 appeals disposed of in the past year [being 33 in excess of the number decided in the year before, while the miscellaneous business was less] terminated, is shown in the subjoined memorandum.

Confirmed on perusal of the petition of appeal and decree of the lower court, ...	22
Confirmed after summoning the respondent, ...	46
Ordered back for re-trial or further investigation, ...	45
Reversed or modified, ...	52
Dismissed on default, ...	8
Adjusted, ...	9
	182

122. The value of the property involved in these 182 appeals amounted to rupees 33,76,392, and that at stake in the 113 suits pending at the close of last year was rupees 14,13,918. The amount of property under litigation before all the local courts, when the year ended, was rupees 1,49,65,495, making with the value of appeals before the Sudder Dewanny Adawlut, as just mentioned, an aggregate of rupees 1,63,79,413, viz.

In original suits, ...	rupees 1,39,86,716.
In appeal, ...	„ 23,92,697.

123. The number of cases decided by this Court and those of Kumaon and Subathoo being set aside, the following results are deduced from the general abstract of operations: the number of cases instituted in 1842 before all the courts was 65,402, viz. original suits 58,251 and 7,151 appeals, being in excess of those brought in 1841 by 766; the entire number of regular suits under trial was 87,341, consisting of 76,181 original suits and 11,160 appeals, or 19 in excess of the preceding year; the whole number disposed of amounted to 67,979, *i. e.* original suits 60,201, and appeals 7,778, which gives an increase of 1,647 above 1841. Of the 67,979 suits disposed of, 46,157, or nearly 67 per cent, were determined after trial, viz. 39,257 original suits and 6,900 appeals. The arrear at the end of last year consisted of 19,362 cases, or original suits 15,980 and appeals 3,382, which is a net decrease on the general file of 1,628 cases; while among the pending suits, 18,702, or a proportion of nearly 96½ per cent, were instituted within the twelve months.

124. From the marginal note, which exhibits the decisions of each grade of judicial tribunals, it appears that, of 39,257 original suits decided on trial, 32,186, or a proportion of about 81½ per cent, went in favor of the plaintiff. The appeals instituted during the year [7151] bear a proportion of about 12¼ per cent to the number of suits adjudicated within the same period; of those decided on their merits [6900], 4010, or about 58 one-tenth per cent, ended in the confirmation of the original order, showing a slightly more favorable result than in 1841, when the proportion was 57 per cent.

	For Plaintiff.	*For Defendant.*	*Total.*
Judge, ...	14	8	22
Principal Sudder Ameens, ..	2079	654	2733
Sudder Ameens, ...	1558	524	2082
Moonsiffs, ...	28535	5885	34420
	32186	7071	39257

125. The diminution in the number of suits depending at the end of 1841 before the local courts and the Sudder Dewanny Adawlut, of longer standing than one year, which a comparison with the antecedent annual period exhibited, and which formed the subject of remark in the 120th para. of the Court's report for 1841, is observable, though not to the same considerable extent, in the twelve months under report, such cases having stood, 1119 at the end of 1840, 799 in 1841, and 683 in 1842; the number awaiting decision in this Court likewise was smaller by 3, than at the close of 1841.

STATEMENT No. II.
Regarding suits older than 12 months.

126. The whole number of suits tried under this Regulation amounted in 1841 to 198, and though during the past year some increase is observable, 289 having been decided with the aid of the agency which it provides, still this is too unimportant an advance to justify an inference, that the difficulties experienced hitherto in procuring persons of suitable character

STATEMENT No. VII.
Of suits tried with the agency provided by Regulation VI. of 1832.

and attainments to serve as jurors or assessors have been overcome, or that the enactment has become more generally popular. In six (*a*) districts the law was practically inoperative, in four (*b*) others but little recourse was had to its provisions; while, as stated in the Court's last report, in Furruckabad only does the system, which it is the object of the enactment to introduce, appear to be in force to any extent—123 suits were decided in that district with the aid of assessors or jurors; and the number similarly adjudicated in Ghazeepore, where during 1841 the use of the Regulation was confined to 1 or 2 cases, rose to 25 in the year under report. The numbers so tried throughout the North Western Provinces during the three past years are represented in the marginal note (*c*)—[the operations under this head in the province of Kumaon and in the Simla agency not being included therein, as they have been recorded separately], and certainly the result which it exhibits is little more encouraging than heretofore; for the small increase in the number of civil suits tried by the means described in the Regulation, cannot be taken to denote either a growing desire on the part of suitors for the association of their countrymen with the presiding Judge in the hearing and decision of their causes, or an increased facility in procuring the aid of respectable and properly qualified jurors and assessors. The zillah Judges do not appear to have relaxed in their endeavors to introduce the form of trial in civil suits, which the Regulation prescribes, or rather allows.

(*a*) Moradabad. Bareilly. Agra. Bundelkund. Azimgurh. Mirzapore.

(*b*) Meerut, Delhie, Futtehpore, Goruckpore.

(*c*) 1840 237, 1841 198, 1842 289.

127. In this department, the pending arrear in the several zillahs [Kumaon and Simla being excluded] amounted in 1841 to 14700, and in 1842 to 14379 cases, giving a reduction of 321 cases in favor of the latter period under review. The decrease apparent in the number of cases of this description, and the paucity of those which have been depending for a longer period than twelve months, tend to show that the system of superintendence which has been established works efficiently, and that any material alteration thereof, relaxing, in however small a measure, the constancy and the vigilance of the control now exercised, would be inexpedient; since the submission of the Court's last report, therefore, some circular orders, having for their object the enforcement of a uniform and systematic course of procedure in the execution of decrees, have been promulgated, and copies forwarded, according to established practice, for the information of Government. Of these the one most likely to be extensively useful is that, dated the 23rd August, and published in *Gazette* of 6th September, 1842, which prescribes the mode and time of payment of purchase money in sales made by Ameens in execution of decrees, and will have the effect, it may reasonably be expected, of systematizing the practice of the lower courts, of expediting the process of sale, and therefore of execution, by enforcing prompt liquidation of their liabilities by purchasers, and of facilitating the disposal of property and preventing disputes, by prescribing and proclaiming certain fixed and immutable conditions of sale. More recently, in pursuance of the same principle, a form of sale advertisement, comprehending all requisite information and instruction, has been devised, and sent to the *Gazette* for publication and general adoption, with a circular order, which leaves it discretionary with the Judges to indent for lithographed forms of the advertisement in question, according to the requirements of their respective courts; the numerous copies of such advertisements required, and the labor of preparing them, have not unfrequently been the subject of complaint, and may, not without reason, be urged by the lower courts, the numerical efficiency of whose establishments is somewhat doubtful, in extenuation of the protracted dependence of cases of this nature; the diminution of labor, devolving hitherto on the lower courts principally, which will follow the general use of lithographed forms of advertisement, may be expected to expedite the determination of cases of execution of decree.

STATEMENT No. VIII. Unexecuted decrees.

128. These statements are destined to exhibit the number of appeals preferred to this Court, and the manner in which they terminated—47 dismissed on default or adjusted being thrown out of the calculation, the insertions in statement No. X. show, that in 97 of 165 appeals adjudicated after trial, or nearly 59 per cent, the decisions appealed from were reversed or modified, or remanded for re-trial, 52 having terminated in the former, and 45 in the latter manner. Form No. XI. shows, that of 155 appeals tried and decided on their merits, from the decrees of officers in employment at the present time, under the Court, in 65 the original order was affirmed, in 46 modified or reversed, and in 44 the cases were remanded; the remands, reversals and modifications bearing a proportion of more than 58 per cent to the number determined after trial. The progressive diminution in the proportion of suits sent back for re-trial, which was noticed in the 123rd paragraph of the Court's report for 1841, has been maintained, as will be observed on reference to the following memorandum:

STATEMENTS NOS. X. AND XI.

In 1840—59 were remanded out of 148 tried, or 33 per cent.
In 1841—30 were remanded out of 106 tried, or 28⅓ per cent.
In 1842—44 were remanded out of 155 tried, or 28 5-13ths per cent.

ZILLAHS.	1840.			1841.			1842.		
	By the Judge.	By the Principal Sudr. Ameen.	Total.	By the Judge.	By the Principal Sudr. Ameen.	Total.	By the Judge.	By the Principal Sudr. Ameen.	Total.
Delhie, ...	25	11	36	33	12	45	25	10	35
Saharunpore,..	38	0	38	30	0	30	16	0	16
Meerut,.....	91	40	131	26	1	27	18	5	23
Allygurh, ...	94	26	120	35	1	36	30	2	32
Moradabad, ..	67	10	77	46	0	46	33	0	33
Bareilly, ...	9	0	9	35	4	39	41	11	52
Agra, ...	14	3	17	8	0	8	1	1	2
Furruckabad,..	15	0	15	26	0	26	39	0	39
Mynpooree, ..	10	0	10	43	0	43	12	3	15
Cawnpore, ..	44	11	55	31	4	35	17	5	22
Futtehpore, ..	55	11	66	51	3	54	13	0	13
Bundelkund,..	43	3	46	18	20	38	25	0	25
Allahabad,....	49	6	55	47	12	59	31	1	32
Goruckpore, ..	34	21	55	24	18	42	6	7	13
Azimgurh, ..	48	17	65	39	5	44	72	9	81
Jounpore,....	112	31	143	53	21	74	68	3	71
Mirzapore, ..	15	5	20	13	0	13	32	6	38
Benares, ...	79	1	80	105	0	105	111	0	111
Ghazeepore, ..	104	2	106	34	0	34	12	1	13
Kumaon, ...	13	19	32	18	11	29	17	13	30
Subathoo, ...	0	0	0	2	0	2	4	0	4
	959	217	1176	717	112	829	623	77	700

129. The comparative statement annexed proves, that the circular order, dated 16th April, and published in the *Agra Gazette* of 18th May, 1841, devised with the view of giving the Court a controlling and checking power over the subordinate courts in the exercise of their privileges in respect of remands, continues still to work with efficiency, and has been the means of inculcating right principles, and of correcting, generally speaking, the tendency, on the part of zillah Judges, and the Principal Sudder Ameens, to whom the hearing of appeals was committed, to send back suits for re-investigation without sufficient cause, and in opposition to the intents of existing law. It only remains to be said, that the monthly returns prescribed by the circular order above quoted continue to receive the careful and punctual attention of the Court, that any misapprehensions of law, any errors of practice and of opinion, which they exhibit, are periodically pointed out to the several Judges for their future guidance, and the avoidance of similarly illegal and improper proceedings enjoined. The several headings of statement 11 will give a better representation of the causes of remand, and the judgment consequently of the officers concerned, than any written commentary could do; and the Court, therefore, abstain from recording any further remarks on the subject, hoping that the improvement, remarkable in this respect during the past few years, will not disappear.

130. The *Oordoo Government Gazette* containing the various circular orders affecting the civil administration which were issued by the Court in the past year, it does not appear essential to enumerate them in this place; of one circular, (*a*) however, of great importance, alluded to in paragraphs 127 to 129 of the civil report for 1841, it may be remarked, that the Court's attention will now be directed to an ascertainment of its mode of working in those parts of the country to which the principle developed in the order was declared, for the present, to be limited. The operation has yet been too short to allow of any decided practical effect being observed.

(*a*) Establishing rules for rendering the information collected and recorded by the settlement officers, regarding the nature and peculiarities of the landed tenures in the north western provinces, available as a guide and aid to the civil courts, in the trial and adjudication of suits involving questions of right and possession in land, by making it obligatory on parties coming before the courts to draw their plaints with especial reference to the description of tenure peculiar to the land sued for, and with inclusion of other stated particulars.

131. Referring to the desire of the Hon'ble the Court of Directors [expressed in the extract of their despatch, dated 14th December, 1842], to be furnished periodically with a statement of the amount recovered, and amount still due, in the matter of costs incurred by them in cases of appeal to the Queen in Council, the Court beg to append [J.] a statement of the nature required, for the Sudder Dewanny Adawlut North Western Provinces, brought up to the present date.

132. In noticing various matters of administrative detail, the Judge of the Court lately on circuit advocates the modification of a part of Regulation VII. of 1832, as respects the Moonsiffs' courts. He considers that the rule,(*b*) under which the muzkooree peadahs are restricted to one-fourth less remuneration than is given to the same agency in the Judge's court, should be repealed, and that each Moonsiff's establishment should include a Nazir. The general complaint made to Mr. Thompson [corroborated by the assertions of several zillah Judges] was, that the Moonsiffs' time is now unduly, and to the prejudice of their more important functions, occupied in receiving and disbursing tulubana, and keeping accounts and distributing processes fairly—ministerial duties, which, by reason of the smallness of their authorized establishments, they cannot devolve on any officer under them. Mr. Thompson, also, heard loud complaints in the districts he visited, of the inadequacy of the prevailing rate of remuneration of the peadahs, 1½ or 2 annas per diem, which, he observes, does not exceed what a common labourer can earn daily and with *certainty;* whereas the engagement of the Moonsiff's peadah is more or less precarious, and dependent on the state of business, or other contingent circumstances; and an insufficient rate of payment, he truly observes, must act as a temptation to dishonesty. On both these subjects the Court are in correspondence with the Sudder Dewanny Adawlut in Calcutta.

(*b*) Clause 4, Section 5.

133. Mr. Thompson remarked a great diversity in the form and description of the register books kept up in the zillah and mofussil courts; and he has suggested, as a desirable object, that the Court

should secure uniformity and regularity in this department [as has been done in regard to periodical statements], by devising one set of registers for general adoption, to the use of which the several tribunals should be limited—and this is engaging the attention of the Court.

134. Mr. Thompson observes, that if proof were wanting of the improvement, of late years, effected in our judicial system, a comparison between the state of things at the present time and twenty years ago would supply it, showing that cases are *now* decided in fewer months than *then* they were wont to occupy years—and that the comparative greater purity of our native courts may be fairly inferred from the very few complaints against those who preside in them. Mr. Thompson gave every facility for the presentation of petitions of complaint against the conduct of the native judicial officers in the districts he passed through, yet not one was presented alleging any act which called for his intervention.

135. From the large number of suits brought to decision exparte, on razeenameh, and by confession of judgment, many are apt to infer the existence of fraud and corruption in the native courts. It must certainly be assumed, *either* that these cases, or a portion of them, are fictitious and got up with the privity of the native Judge to preserve a good file, so that his office may not risk being abolished for want of work, or for some other bad end—*or* that they are fairly instituted by individuals only with the object of getting justice. In the absence of any proof to the contrary, where hundreds of such suits are being decided annually, any systematic or general abuse of a native Judge's authority could not but form a subject of complaint: Mr. Thompson argues, that the latter inference is the just and obvious one; and that the readiness with which the community resort to our district courts, appears to establish fair ground for thinking that justice is brought home to every man's door. The large proportion of adjustments, confessions of judgment and exparte decrees, rather seems to him to indicate [if the expression be allowable] the *over cheapness* of the administration of justice in the Moonsiffs' courts. A court of justice is ordinarily resorted to, only when the claim can be satisfied in no other way; but, in the generality of such cases, Mr. Thompson sees reason to think that the plaint is filed before the creditor has even asked for his money from the opposite party—and that, therefore, in adjusted cases, at least not more than half the value of stamp paper should be refunded.

136. In inspecting the Moonsiffs' exparte decisions, the Sudder Judge directed his attention to the matter of what is required by law in such cases, and found that evidence to the proper service of notice on the defendant had already been taken prior to adjudication.

137. The Judge was struck with the superiority, over the old Moonsiffs, of Moonsiffs appointed on diploma, and who had passed the examination before Divisional Committees under the new rules of 1840. He ascertained that the native Judges duly received the *Gazette*, containing translations in Oordoo of all circular orders and rules of practice that now issue. Mr. Thompson remarks on the very great benefit this publication confers, placing the whole of the lower courts in simultaneous possession of the rules which concern them, and making the native tribunals independent of the translations heretofore furnished, for the most part, tardily, and often defectively and erroneously prepared, by the zillah Judge; but he notices, as a still existing desideratum, a concise and correct translation of all former orders and constructions, so that each officer might know the whole law which he is bound to administer.

138. The Court, since the close of the past year, have had to regret the loss of the services of their Register, Mr. Mosley Smith, who, on the 22nd of March, was obliged by severe indisposition to proceed to the hills, on leave of absence for four months, subsequently extended to eight months; and it is now understood that Mr. M. Smith proposes to return to Europe on a furlough of the present season. The Court consider it due to Mr. M. Smith, on this occasion, to record their sense of the valuable aid they have at all times derived from his indefatigable application to the duties of the Registership, and the eminent ability with which those duties were discharged; they would mention that, though absent from Allahabad, and suffering much from impaired health, nearly the whole labor of preparing this report of the operations of the past year has devolved upon Mr. Smith.

139. In pursuance of the orders of Government, communicated in the 61st paragraph of your letter, No. 2314, dated 10th December, 1841, a copy of this report has been transmitted to the Superintendent of the *Secundra Orphan Press*, with a request that 300 copies may be printed, and distributed in the manner and to the authorities indicated in a list [AA.] which is subjoined.

I have the honor to be,
Sir,
Your most obedient servant,

G. F. EDMONSTONE,
Officiating Register.

Allahabad, 1st September, 1843.

INDEX

TO THE CIVIL REPORT FOR 1842.

PARAGRAPH 1. Submits statements of civil business disposed of and pending in the several courts of the North Western Provinces, for 1842, with Report.

Paras. 2 to 6 inclusive. ZILLAH DELHIE.

Paras. 2 and 3. Refer to reduction and alteration of judicial agency, effected with the sanction of Government, and to the considerations which have rendered the maintenance of the Sudder Ameenship of Goorgaon advisable; state the opinion recorded by the Commissioner of Delhie division regarding the location of a Sudder Ameen at Sirsa, and the views entertained by the Court on that point.

Paras. 4 and 5. Describe the work performed by the Judge [Mr. C. Lindsay], and notice the restoration to him of criminal duties, devolving in 1841 on another officer; detail performances of Principal Sudder Ameen, and notice the estimation in which his character is held by his immediate superior.

Para. 6. States number of suits decided, and the miscellaneous work disposed of by Sudder Ameens and Moonsiffs, and the favorable result of appeals from their decisions.

Paras. 7 to 11 inclusive. ZILLAH SAHARUNPORE.

Paras. 7 and 8. Allude to the large accession of business in the Moonsiffs' courts during 1842, and the satisfactory state of the files at its close—3 regular and 4 miscellaneous cases pending.

Para. 9. Describes work disposed of by the Judge [Mr. G. W. Bacon], and by the Principal Sudder Ameen, whose judgment is commended.

Para. 10. Details suits and miscellaneous cases decided by the Moonsiffs, and reports on the character of their adjudications.

Para. 11. Refers to the Dehra Doon civil administration, and defers recording opinion on the sufficiency of the establishments assigned, until a future opportunity.

Paras. 12 to 18 inclusive. ZILLAH MEERUT.

Para. 12. Mentions the number of suits and appeals older than 1842, which were pending in the several courts at its close, and assigns reasons for the accumulation of arrears on the Judge's file.

Para. 13. Notices the miscellaneous cases of the same description awaiting decision at the end of 1842, and describes the result of an inquiry instituted by the Court's order into the inadequacy of the Principal Sudder Ameen's performances in that department; states work performed by Mr. Begbie, the Judge, and the Principal Sudder Ameens; reports on the abolition of the said office at Boolundshehur, the substitution of a Sudder Ameen, and his ultimate removal to Meerut with the sanction of Government.

Paras. 15 and 16. Describe business disposed of by the Moonsiffs; state the acquittal of one, Runjeet Singh, from imputations brought to the Court's notice by Secretary's letter, No. 611, of 6th April, 1842; and allude to the changes in Moonsiffee jurisdictions formerly under consideration.

Paras. 17 and 18. Comment on the Judge's opinion regarding the operation of Regulation VI. of 1832 as being erroneous, and express the Court's disapproval of a certain practice introduced by him in the examination of witnesses.

Paras. 19 to 27 inclusive. ZILLAH ALLYGURH.

Para. 19. Mentions the fact of this district having been visited, during the past cold season, by one of the Judges of the Court on circuit, the system pursued by him in the examination of the subordinate courts' operations, and the use to which his notes have been appropriated.

Para. 21. Records the state of the files, as regards cases older than one year, at the end of 1842, and mentions their reduction by April.

Paras. 22 and 23. Allude to circumstances under which the Judge [Mr. Tierney] resumed charge of his office, and to the possible necessity of additional subordinate judicial agency in Allyguch; detail the performances in the regular and miscellaneous department of the Judge and Principal Sudder Ameen, and state result of appeals from the decisions of both: allusion made to the Principal Sudder Ameen's debts, and to the measure adopted by the Court relatively to that circumstance.

Paras. 24 and 25. Detail the performances of the Moonsiffs, advert to the causes which have induced removal of one—Kunhya Lal, Moonsiff of Utrowlee—from his post, and account for the large proportion of decisions on confession of judgment.

Paras. 26 and 27. State the result of appeals from decisions of Moonsiffs to have been rather unfavorable, allude to a suggested change in the limit of their jurisdictions, and to the Judge's application for additional aid in the English department of his office.

Paras. 28 to 32 inclusive. ZILLAH MORADABAD.

Para. 28. Compares business instituted and disposed of with that of 1841, notices number of suits older than one year pending at the close of 1842, and alludes to subsequent change of incumbency in February last.

Para. 29. Animadverts on the unbecoming tone and tenor of parts of Mr. Benson's report, and states the business performed by him.

Paras. 30 and 31. Detail work disposed of by the Principal Sudder Ameen and Sudder Ameen [of Moradabad and Bijnore], with remarks on the character of their decisions.

Para. 32. Reports on the business done by the Moonsiffs, and alludes to the opinion entertained by Mr. Benson of the proneness to sacrifice deliberation to celerity of decision.

Paras. 33 to 37 inclusive. ZILLAH BAREILLY.

Paras. 33 and 34. Notice the increase apparent in the number of suits instituted, the state of the files as regards cases of longer standing than one year at the close of 1842, allude to the aid given by Mr. Pidcock in the adjustment of records, and detail the work performed by the Judge [Mr. Cowell] and the Principal Sudder Ameen.

Para. 35. Mentions the labors of the Sudder Ameen of Bareilly, and alludes to the late change of judicial agency at Pillibheet.

Para. 36. Reports on the work disposed of by the seven Moonsiffs of this jurisdiction, alludes to removal of Moolvee Gholam Nubbee, Moonsiff of Pillibheet, and mentions the creditable testimony borne by Mr. Pidcock to the efficiency of those located at Shahjehanpore and Budaon, with other points thereunto allied.

Para. 37. States the result of appeals preferred from the decisions passed by the Judge and his subordinates, and expresses an opinion favorable to their judgment.

Paras. 38 to 43 inclusive. ZILLAH AGRA.

Paras. 38 and 39. Refer to progressive decrease of civil business in this district, detail business, regular and miscellaneous, decided by Judge [Mr. Boldero] and the Principal Sudder Ameen, and the manner in which appeals from their adjudications terminated. Copy of a letter based on notes of Judge on circuit appended [F].

Para. 40. With reference to past correspondence, advocates abolition of the office of Sudder Ameen at Muttra.

Paras. 41 and 42. Record opinions of the Judge on circuit relative to the qualifications of Sudder Ameen of Muttra and the several Moonsiffs—the said opinions being opposed to the classification made by Mr. Boldero, the Judge.

Para. 43. Alludes to proposed reduction of the Moonsiffee of Etmadpore, and the reasons which have opposed its enforcement, and mentions the defects of the record department in this district.

Paras. 44 to 47 inclusive. ZILLAH FURRUCKABAD.

Para. 44. Expresses a favorable opinion of the Judge's [Mr. Cartwright's] report, and states the measures adopted by the Court in reference to certain points mooted by him.

Paras. 45 and 46. Notice the state of business as satisfactory, and detail performances of Judge and Principal Sudder Ameen, in the regular and miscellaneous departments, with the result of appeals from their decisions.

Para. 47. Describes the work disposed of by the Moonsiffs, and refers to the rejection by the Court, for reasons stated, of a proposal to abolish the Kunouj Moonsiffee.

Paras. 48 to 53 inclusive. ZILLAH MYNPOOREE.

Para. 48. Reports on the work performed by the Judge in 1842, and state of the files at its close, alludes to the heavy calls on the Judge's time [Mr. C. F. Thompson] as Judge of Sessions, and signifies the favorable opinion entertained of his merits by the Judge on circuit.

Paras. 49 and 50. Notice the use made of the Principal Sudder Ameen's services, and the estimation in which he was held by the late Judge, Mr. C. F. Thompson, as recorded in a note left by him for his successor's information.

Paras. 51 and 52. Describe business disposed of by the five Moonsiffs, state the result of oral examinations held by the Judge on circuit, and the steps taken with regard to Syud Kuramut Ulee, Moonsiff of Etawah, and allude to the condition of the record department as satisfactory.

Para. 53. With reference to paragraph 54 of report for 1841 declares the suspicions relative to the fraudulent character of certain suits, to be, in the opinion of the Court, unfounded in fact, and suggests a partial modification of the law in regard to their admission.

Paras. 54 to 56 inclusive. ZILLAH CAWNPORE.

Para. 54. Remarks on the beneficial effects of investing the Sudder Ameen with temporary powers of Principal Sudder Ameen, [see paragraph 55 Court's report for 1841,] as evinced by the state of civil business at the close of the period under review, as compared with that at the end of the preceding annual period; details the number of adjudications in original suits, and orders passed in miscellaneous cases passed by the Judge [Mr. A. Speirs].

Para. 55. Notices performances of Principal Sudder Ameen and Sudder Ameen, and result of appeals from their decisions.

Para. 56. Describes the quantity and nature of business disposed of by the 5 Moonsiffs, and states the proportion which appealed decisions upheld bear to those reversed or modified; expresses satisfaction with Mr. Speirs' administration.

Paras. 57 to 61 inclusive. ZILLAH FUTTEHPORE.

Para. 57. Alludes to the very inconsiderable amount of business instituted in the court of this district, details the number of suits and miscellaneous cases decided by the several tribunals, which is considered to have been sufficient, relative to the state of the respective files.

Para. 58. States that notwithstanding the paucity of work, the Court have reason to be dissatisfied with the exertions of the native judicials; details one or two circumstances of remissness, which were noticed with censure at the period of their occurrence.

Paras. 59 and 60. Remark on the opinion unfavorable, perhaps rather prematurely formed by Mr. Boulderson, of Moolvee Mohumud Shukoor the Principal Sudder Ameen's judgment and industry; allude to the occasions which gave rise to the displeasure of the Government and Court at his conduct last year; and incidentally notice the number of decisions passed on confession of judgment.

Para. 61. Notices the result of appeals from the decisions of the Judge and his several subordinates.

Paras. 62 to 67 inclusive. ZILLAH BUNDELKUND.

Para. 62. Alludes to diminution in the number of suits instituted during 1842, as compared with the year preceding, to the work disposed of by the officiating Judge [Mr. J. Lean] and the Principal Sudder Ameen, and remarks on the state of the files, as regards cases older than one year, at the close of the period under report.

Paras. 63 and 64. Mention the manner in which appeals from decisions of Principal Sudder Ameen terminated, and the estimate formed of his judgment by the officiating Judge, and state that the extensive employment of this officer in the criminal department should be discouraged.

Paras. 65 and 66. Report on the performances of the Moonsiffs in the regular and miscellaneous departments, and the result of appeals from their orders, and allude to the rejection by officiating Judge of a suggestion for the reduction of one Moonsiffee.

Para. 67. Refers to the abolition of the additional Judgeship.

Paras. 68 to 73 inclusive. ZILLAH ALLAHABAD.

Para. 68. Compares business instituted and disposed of with that of 1841, details number of suits and cases adjudicated by the Judge [Mr. A. Lang], and ascribes the improved state of the lower courts to his vigilant supervision.

Paras. 69 and 70. Describe the mutation which occurred in the office of Principal Sudder Ameen, and the causes which confined the operations of the incumbent within narrow limits; notice the performances of Principal Sudder Ameen and Sudder Ameen, and the opinion entertained of their qualifications and character by the Judge.

Para. 71. Refers to the regular and miscellaneous work done by the Moonsiffs, and considers the result of appeals from their decisions generally satisfactory—exception noticed.

Para. 72. Adverts to the cases of date prior to 1842, pending at its close, and deems the state of the files favorable, as compared with the antecedent annual period.

Para. 73. Mentions the issue of a circular order on the question reviewed by Mr. Lang, of wasilat accounts.

Paras. 74 to 78 inclusive. ZILLAH GORUCKPORE.

Paras. 74 and 75. After noticing the income of suits, comparatively with that in 1841, and changes of incumbency in the higher courts, allude to the reduction of arrears, depending at the end of 1841, as creditable and satisfactory; state the number of cases, regular and miscellaneous, of date anterior to 1842, awaiting determination at its close, and the instructions issued by the Court to exercise a more active superintendence on the part of the Judge.

Para. 76. Having detailed the business disposed of by the Judge officiating [Mr. H. Armstrong], the two Principal Sudder Ameens and Sudder Ameen, in both regular and miscellaneous files, describes the mode in which appeals from their orders were decided.

Paras. 77 and 78. Report on the labors of the Moonsiffs, and remark on the large number of suits adjudicated on confession, and on the qualifications of this grade of native Judges in Goruckpore.

Paras. 79 to 85 inclusive. ZILLAH AZIMGURH.

Para. 79. Having alluded, with expressions of approbation to the Judge's [Mr. R. Neave] judicious management, and the consequent improvement in the administration, details the work disposed of by the Judge, both regular and miscellaneous, and the number of cases older than twelve months, pending at the close of 1842; considers that the Judge's attention to the special appeal file and the general vigor of his superintendence reflect credit on him.

Paras. 80 and 81. Describe the result of Principal Sudder Ameen's and Sudder Ameen's labors; unfavorable state of things in their courts ascribed to the sickness of the one, and the physical debility of the other functionary, and state of files as regards old cases mentioned; a faulty practice of Principal Sudder Ameen in omitting to take up cases according to their order on the list reprobated; assignment of the circuit bungalow as a cucherry for Principal Sudder Ameen and Sudder Ameen under the sanction of Government alluded to.

Para. 82. Assigns a reason for the dependence of an unusually large number of old cases, on the Sudder Ameen's file, and mentions the retirement of the late incumbent, Syud Ilahee Buksh, on a pension.

Paras. 83 and 84. Labors of the 3 Moonsiffs in the decision of regular and miscellaneous cases, and their respective qualifications, noticed; allusion made to the displacement of two under circumstances stated.

Para. 85. Briefly comments on the subject of collusive decrees, the evil tendency of Regulation XII. of 1833, and other matters of general interest discussed in the concluding paragraphs of Mr. Neave's report.

Paras. 86 to 91 inclusive. ZILLAH JOUNPORE.

Para. 86. Contrasts the aspect of business with that which it presented three years ago, and attributes the favorable result to the exertions of Mr. H. B. Harington, the officiating Judge, on whose administration it is considered to reflect great credit.

Para. 87. Describes the performances of the officiating Judge and the Principal Sudder Ameen, notices the increase of miscellaneous work and the reason thereof, and mentions the opinion formed of the judicial efficiency of Principal Sudder Ameen and Sudder Ameen by the officiating Judge.

Para. 88. After mentioning number of suits decided by officiating Sudder Ameen [Kazee Zeeaoollah], comments on the arguments adduced by the officiating Judge in support of the abolition of that office, and the substitution of a fourth Moonsiff.

Para. 89. Details the business, regular and miscellaneous, done by the Moonsiffs, and alludes to a projected alteration in the limits of their jurisdictions; consideration thereof postponed until the occurrence of a certain contingency.

Para. 90. States the manner in which appeals from the decisions of the several courts terminated, and notices the decrease in the number instituted.

Para. 91. Remarks on the questions of general interest discussed by Mr. Harington, and with reference to his praiseworthy exertions in the adjustment of the records of his courts; states that rules with that object have been generally circulated.

Paras. 92 to 96 inclusive. ZILLAH MIRZAPORE.

Para. 92. Refers to the diminution in the income of suits, and to the number of cases, regular and miscellaneous, older than 1842, which remained for decision at its close.

Para. 93. Reports on the work done by Mr. R. J. Tayler [the Judge], and the officiating Judge [Mr. A. P. Currie], respectively, and the result of special appeals from their orders.

Para. 94. After describing business disposed of by Principal Sudder Ameen, mentions the fact of his [Tusudooq Hosein Khan's] removal to Moradabad towards the close of the year, and the termination of an inquiry into charges preferred against him in his acquittal—with remarks on his character.

Para. 95. Alludes to the suggestion thrown out of the abolition of the Chunar Moonsiffee, and the cause of its rejection, reviews the work done by the three Moonsiffs, and states their respective qualifications, as shown in the result of appeals from their decisions.

Para. 96. With reference to Mr. Currie's note appended to the report for 1841, states that the peadah establishments have been re-adjusted, and that the orderly arrangement of the records is gradually progressing.

Paras. 97 to 103 inclusive. ZILLAH BENARES.

Para. 97. Notices the improvement in the state of the files as regards old cases, which is shown by a comparison with their condition in former years; details the number of regular suits and miscellaneous cases, older than 1842, pending at its close.

Para. 98. Notes the performances of Judge [Mr. Rivaz], additional Judge [Mr. G. Lindsay], and the Principal Sudder Ameen; comments on the explanations rendered by the former for the inadequacy of his work; and, without imputing to him any want of industry, expresses an apprehension that arrear will again accumulate, unless Mr. Rivaz's efforts be in future more practically fruitful.

Para. 99. Alludes to the displacement of Moolvee Gholam Yahya, Principal Sudder Ameen, and the explanatory statement of the additional Principal Sudder Ameen received with Judge's report, and states the purport of the latter.

Para. 100. Reports on the operations of the 5 Moonsiffs' courts, and refers to former correspondence on the subject of the causes which prevented a more favorable result; alludes to the omission on the part of the Judge to comment on the judicial fitness of his subordinates.

Para. 101. With reference to paragraph 100 of the Court's report for 1841, denotes the unfavorable opinion still held of Kazee Furzund Ulee, Moonsiff of Mogul Serai, and specifies various irregularities in all the native courts, observed and animadverted on by the Court on periodical revision of civil statements.

Paras. 102 and 103. Describe the result of appeals from orders passed by additional Principal Sudder Ameen, and Judge, and append certain tabular statements containing Judge's remarks on some of the judicial officers subordinate to him.

Paras. 104 to 109 inclusive. ZILLAH GHAZEEPORE.

Para. 104. After alluding to the small extent of sessions duties devolving on the Judge, Mr. Heyland, details the business disposed of by him, and states the mode in which special appeals from his orders terminated.

Para. 105. Alludes to the temporary employment of an additional Principal Sudder Ameen as having answered its destined object, describes the operations of their respective courts, and reports that the official reputation of Moolvee Mohumud Zuhoor, Principal Sudder Ameen, remains unsullied.

Para. 106. Refers to correspondence with Government regarding the experimental employment of a Sudder Ameen, and vindicates the judiciousness of the measure by reference to the improved state of the files.

Paras. 107 and 108. Report on the labors of the 5 Moonsiffs during 1842, mention the number of cases, older than twelve months, pending at its close, and the proportion of orders confirmed and reversed in appeal by Judge and two Principal Sudder Ameens.

Para. 109. Touches on an allusion made by Mr. Heyland to the inadequacy of the sum allowed for Moonsiffs' establishments, under the Resolutions of Government, dated 2nd October, 1837.

Paras. 110 to 115 inclusive. KUMAON.

Paras. 110 and 111. After stating the continued success of the system of administration in force, indicate the large proportion of suits dismissed on default, and the origin of this disproportion.

Paras. 112 and 113. Notice the increment of business instituted, the causes which operated to prevent a corresponding increase of exertion, and detail the work disposed of by the several courts, which is considered to denote an evident improvement.

Para. 114. Character of the decisions passed by the various tribunals described as satisfactory.

Para. 115. Mentions the more extensive use of the punchayut system, alluded to in paragraph 109 of Court's report for 1841, states the rejection by Court of Commissioner's suggestion to modify certain parts of the Kumaon rules.

Paras. 116 to 118 inclusive. SIMLA AGENCY.

Para. 116. Explains the falling off observable in the number of suits instituted as compared with 1841, remarks on the large proportion of dismissals on default, and the number of suits adjudicated after trial.

Paras. 117 and 118. Allude to the absence of all arrear, to the favorable termination of appeals from the Sudder Ameen's court, and mention the statement which will in future be required from the Simla jurisdiction.

Paras. 119 to 139 inclusive. SUDDER DEWANNY ADAWLUT.

Para. 119. Gives an abstract of the business, regular and miscellaneous, pending, instituted and disposed of by the Sudder Dewanny Adawlut during 1842; and appeals certain statements, exhibiting a comparative view of the operations of 1841 and 1842, and illustrative of the manner in which the several appeals adjudicated terminated.

Para. 120. States the names of the Judges attached to the Court during the period under notice.

Paras. 121 and 122. Compare the state of the pending business with that exhibited at the close of 1841; state number of cases, older than twelve months, awaiting Court's judgment, and the year of their institution; and specify the value of property involved in the appeals determined by the Sudder Dewanny Adawlut, and of that under litigation before all the judicial tribunals.

Para. 123. Describes the operations generally of the civil courts in the North Western Provinces, cases decided by Sudder Dewanny Adawlut, and at Kumaon and Subathoo being excepted.

Para. 124. Denotes, by a marginal entry, the character of the decisions recorded by each grade of judicial tribunals, and refers to the proportion borne by appeals preferred to number of cases adjudicated after trial.

Para. 125. Notices the progressive diminution of cases depending for more than twelve months, at the close of 1842.

Para. 126. Refers to the degree in which the aid of agency allowed by Regulation VI. of 1832 has been resorted to, and specifies the districts in which the mode of trial allowed by that law has been least extensively practised.

Para. 127. With reference to statement No. 8, reports on the number of unexecuted decrees pending in the several courts of the North Western Provinces, at the end of 1842; and alludes to some circular orders issued since submission of last report, with a view to expedite the enforcement of decrees, execution of which is applied for.

Para. 128. Comments on the results exhibited in statements Nos. 10 and 11, which exhibit the number of appeals preferred to Sudder Dewanny Adawlut from the several subordinate courts, and the manner in which they terminated—states proportion thereof remanded.

Para. 129. Appends comparative statement of remands ordered in three past years by zillah Judges and Principal Sudder Ameens, and remarks on the progressive decrease of their number, and the continued beneficial effects of circular order, dated 16th April, 1841.

Para. 130. Expresses the intention of the Court to take means of ascertaining the manner, in which an important C. O., referred to in paragraphs 127 to 129 of Court's last report, has been found to work.

Para. 131. Annexes, in pursuance of the wish of the Honorable the Court of Directors, a statement showing the amount of costs in cases appealed to the Queen in Council, recovered, and that still due.

Paras. 132 to 134. Allude to the observations recorded on various matters by Mr. Thompson, Judge of the Court on circuit during the past cold season; mention his opinion of the desirableness of modifying part of Regulation VII. of 1832, the diversity of register-books kept in the zillah and mofussil courts remarked by Mr. Thompson, and the measures taken by the Court in regard to these matters.

Paras. 135 and 136. In continuation of the same subject, state the views entertained by Mr. Thompson in regard to the large proportion of suits decided exparte, or on confession of judgment, or adjusted, and the inferences which he deduces.

Para. 137. Refers to the superiority of the Moonsiffs appointed after acquirement of diploma, and other miscellaneous matters commented on by Mr. Thompson while on circuit.

Para. 138. Expresses Court's regret at Mr. Smith's approaching departure, and their sense of the valuable aid derived from his industrious application and eminent ability.

G. F. EDMONSTONE,
Officiating Register.

APPENDIX.

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APPENDIX A.

No. 61.

To M. SMITH, Esquire,

Register, Sudder Dewanny Adawlut,

North Western Provinces,

Allahabad.

Sir,

I have the honor to acknowledge the receipt of your letter, No. 223, under date 31st ultimo, and its enclosures, requesting my consideration of, and remarks on the same, as regards the condition of the Principal Sudder Ameen's office.

2. The irregularities noticed by the present Principal Sudder Ameen are as follow:

1st. The non-existence of a book showing the progress made in each case, and the number of regular suits and appeals on the file.

2nd. That there was no list of the chuprassees, that the Nazir's office was out of order, and without books, and that the chuprassees had not given security.

3rd. That the records of the miscellaneous cases were mixed with each other, that there were no lists attached, and that all were thrown together in a box.

4th. That the greater part of cases of more than a year's standing were not entered in the quarterly statement.

5th. That some of the orders of the late Principal Sudder Ameen were not signed, and in some instances there were signatures without orders.

6th. That there were numerous irregularities in the proceedings of the late Principal Sudder Ameen in cases of more than a year's standing, which required very careful examination.

7th. That in the original cases, proclamations had not been issued, as they should have been, where the summonses had not been acknowledged.

8th. That in cases exceeding 1,000 rupees in value, the pleadings had been written on paper of 4 rupees value, and ikbaldawas on paper of the same value, as bonds of the same amount.—[Vide post-script.]

3. With respect to the first allegation, I am not aware that a book of the description noticed by the Principal Sudder Ameen is required to be kept in any judicial office. The progress made in each case is easily ascertained by reference to the record, and even the list of papers annexed is sufficient to show this. The non-existence of a list of the suits on the file, evinces certainly great negligence on the part of the late Principal Sudder Ameen; but this was a fact of which I could not be supposed to be aware, until it was brought to my notice; which was not done, either by the late Principal Sudder Ameen, or the present, until now.

4. As regards the second charge, I beg to observe that a list of the chuprassees on the Principal Sudder Ameen's establishment was submitted to me monthly. I cannot understand, therefore, what is meant by the Principal Sudder Ameen by this assertion. Of the alleged irregularities in the Nazir's office, I could not be supposed to have any knowledge, until brought to my notice, which is now done for the first time.

5. With reference to the third charge, viz. the intermixture of the records. This is a fact which could be ascertained only by a careful examination of the several cases; no such irregularities were observable in the cases disposed of during each month, of which the records were transferred to my office, and there was, therefore, no ground for presuming that it prevailed to any extent in the undecided cases. I always found lists annexed to the cases which came into my office.

6. The fourth irregularity noticed by the Principal Sudder Ameen, had come under my observation, and more than once the late Principal Sudder Ameen had been called on for explanation. The system introduced by me of making the native Judges send in "tareekhwar" statements of the progress made in cases, led to the discovery of this irregularity. The Court will, at the same time, see, and acknowledge, the difficulty of detecting such practices when the inferior courts send in incorrect statements.

The controlling authority is unwilling to presume, that the officers subject to his authority wilfully misrepresent the state of their offices in the periodical statements, which they are in the habits of submitting to him.

7. In reply to the fifth allegation I have to state, that the irregularity complained of was not apparent in any of the missuls which were sent to my court, and I cannot imagine it to have prevailed to such an extent, as to have called for the notice now bestowed on it by the Principal Sudder Ameen.

8. As regards the sixth charge, the Court will recollect that I have repeatedly noticed, in my monthly and annual reports, the irregularities in the proceedings of the late Principal Sudder Ameen. From the time I assumed charge of the office to the date of his retiring on a pension, I constantly attributed the unsatisfactory state of his court to the anomalous nature of his proceedings; not a month passed that I did not call upon the late Principal Sudder Ameen to explain his irregularities; and a considerable portion of my time was occupied in pointing out their errors to the native Judges, and in perusing their replies. The Court will particularly recollect the investigation made by me into the fraudulent conduct of the late Principal Sudder Ameen's serishtedar, and decree-nuwees, regarding the stamp paper on which copies of decrees were written, and which ended in the conviction and punishment of one of those officers by the additional Sessions Judge: on that occasion the Principal Sudder Ameen disputed my power to interfere with his omlah, and refused to send them to my court, till ordered to do so by the Sudder Court. In fact this officer was of so stubborn and perverse a disposition, that it was next to impossible to reform his court while he remained at the head of it.

9. That irregularities of the description stated in the seventh head occurred is probable enough, and would have been noticed, had they appeared in cases which came under my review.—[Vide postscript.]

10. I beg to refer to paragraphs 18, 19, 26 and 27 of my annual report for 1840, under date 18th March, 1841, in which I brought to the Court's notice the irregularities of the native Judges of this district, and more particularly of the Principal Sudder Ameen, which I had detected in the proceedings which had even then come under my observation, although I had been only a few months in charge of the office.

11. In your letter to the address of the Secretary to Government, No. 1410, dated 30th June, 1842, the Court state, that "besides this there are indications [in the frequent explanations called for from the native Judges of irregularities in their proceedings] of a careful and strict supervision having been maintained by Mr. Begbie over the acts of his subordinates in the exercise of a part of the Judge's functions, which the Court have ever regarded as highly important." On this the Honorable the late Lieutenant Governor remarks [vide Mr. Secretary Hamilton's letter to your address, No. 2109, under date 10th November last], that "the zeal and diligence with which Mr. Begbie watches over and supervises the acts of his subordinates is greatly commended by the Court, and the result in the large diminution in the ratio borne by remanded cases to the number disposed of by the Judge in 1841, as contrasted with the preceding year, detailed in paragraph 15 of your letter, is very gratifying." I have great satisfaction in referring to these so recent testimonials from the highest authority to the exertions made by me in controlling the officers under my immediate authority; and I trust that, on mature reflection, the Court will find no cause to retract the praise above recorded, in consequence of my not having been able at once to reform a court, which had for years past fallen into so irregular a state as that of the late Principal Sudder Ameen of Meerut.

12. Although I have no doubt that the irregularities in the proceedings of his predecessor occasioned more than ordinary trouble to the present Sudder Ameen, and prevented his disposing of as much work as he would have done under other circumstances, I cannot but think that in his anxiety to vindicate himself he has magnified the difficulties arising from the above source, and that the real cause of his not disposing of more miscellaneous work is to be found in his want of attention thereto, it having been apparently his object to dispose of as many of the *regular* cases as possible, in doing which he lost sight of the less showy, though not less important, business on the miscellaneous file.

13. From information furnished to me, I had also reason to believe that the Principal Sudder Ameen had not been very regular in his attendance in cutcherry, which would account for the insufficient quantity of his work. I accordingly, on the receipt of the Court's present orders, on the 17th ultimo, called on the Principal Sudder Ameen to furnish a detailed statement of the work performed by him on each day of the quarter. In reply to this requisition, the Principal Sudder Ameen, under date 24th February, requested an indulgence of ten days to draw up the statement; which, however, was not received by me till the 22d instant, a delay which is not satisfactory. I beg to annex the original replies of the Principal Sudder Ameen, from which the Court will observe that he admits being absent [with the exception of Sundays and holidays] only four days during the three months. I have not the means of disproving this statement, as I was absent during the period, and I therefore submit it without further comment: adverting to this circumstance, [and without any intention of imputing blame to Mr. Clarke, whose criminal avocations did not allow him so much opportunity, as I should have had, of watching the proceedings of the native Judges,] I trust the Court will believe that had I continued in charge, I should not have allowed the Principal Sudder Ameen's inattention to his miscellaneous duties to have passed unnoticed.

14. The Court, in their censure of the Principal Sudder Ameen, lay considerable stress on the little effect produced on that officer by previous animadversions. I therefore think it necessary to state thus much in his vindication, that the Court's orders of the 22d August last, to which reference is made in paragraphs 3 and 7 of your present letter, were never communicated to him. He should, therefore, be absolved of that part of the charge which imputes to him obstinate perseverance in an erroneous course.

15. The Court will also have the goodness to recollect that the present Principal Sudder Ameen commenced his duties at Meerut only on the 28th February, 1842, consequently the animadversions of the Court, conveyed in your letter, No. 1613, paragraphs 5 and 6, on the irregularity of the proceeding of the court of the Principal Sudder Ameen of Meerut, apply to his predecessor, and not to himself; and it was probably on this account that Mr. Clarke did not think it necessary to communicate the Court's remarks to the present incumbent.

16. I beg further to state that a considerable proportion of the cases of execution of decrees on the Principal Sudder Ameen's file [about 200], are applications for realization of fees in pauper suits decided upwards of twelve years since, the greater part of which will be, I believe, struck off agreeably to the Court's construction, No. 1348, under date 1st July last. The miscellaneous file will therefore be very soon materially lightened.

17. In conclusion, I beg to express my opinion that the present Principal Sudder Ameen is a very intelligent and upright public officer, and I much regret that he should have fallen under the Court's displeasure. I anticipate very great benefit from his labors at this place, where a functionary of his high character for integrity and ability is much needed; and I therefore hope that a further trial may be allowed him, before the Court carry into effect their threat of recommending to Government the reduction of his present salary.

I have the honor to be, &c.,

(Signed) A. W. BEGBIE,—*Judge.*

Zillah Meerut, Judge's Office, the 24th March, 1843.

POSTSCRIPT.—On re-perusing this letter, I found that inadvertently I had omitted to remark on the 8th allegation of the Principal Sudder Ameen. The correction of the irregularity noticed by him, was authorized by me immediately he made it known to me.

(Signed) A. W. BEGBIE,—*Judge.*

APPENDIX B.

No. 528.

To M. SMITH, ESQUIRE,

Register to the Sudder Dewanny Adawlut, N. W. Provinces,

ALLAHABAD.

SIR,

With reference to your letter, No. 653, under date 14th April last, calling for a report on certain allegations brought against Runjeet Singh, Moonsiff of Khutowlee, and lately a vakeel in the Judge's court, I have the honor to submit the following observations: I propose to notice the several charges separately, as they appear in the petition of the accuser, Amanutoollah.

Charge 1st. "That the Moonsiff was not first on the list of passed candidates, and ought not to have been selected for the office." The reasons for nominating this individual, who stood *second* on the list of passed candidates, were detailed in my letter to the Commissioner, and approved by that gentleman and the Sudder Court. There is no order that the *first* on the list of passed candidates shall invariably be selected.

2nd. "That the Moonsiff is not a person of distinction in the district—that he is a person of bad repute, as well as his uncle, Nund Kishore—and that Khidmut Raee, an ancestor of theirs, was imprisoned for bribery at Saharunpoor."

These charges are so vague as to be undeserving of notice. I am not aware of any complaints ever having been preferred against either of these persons till lately, which could hardly have been the case had they merited the imputations contained in the petition; from the history given by the Moonsiff of his family, he appears to be respectably connected, and several of his family to have filled offices

under Government. The malversation of one of his progenitors [even supposing it to have been the case] should not be visited on his descendants.

3rd. "That Runjeet Singh was not employed until May 1839, when he was appointed vakeel."

This is rather a proof of merit than otherwise, that he should, in so short a space, be found qualified for the office of Moonsiff.

4th. "That Runjeet Singh and his uncle, Nund Kishore, were in the habit of suborning perjured witnesses in the cases intrusted to them, in proof of which a list of 23 cases is given, in which two individuals, named Serha Singh and Ruheem Buksh, appeared as witnesses in the course of two years."

On referring to the list, and my own office, I find that of the 23 cases included in the list, Runjeet Singh was employed as a vakeel in only 7. In 6 of them, he obtained decrees in favor of his clients. 5 of the cases were undefended, and 1 only was appealed, and 1 case is still pending in the Principal Sudder Ameen's court. In the above 7 cases, the above named Serha Singh appeared as a witness for the plaintiff; the other individual, Ruheem Buksh, did not appear. Although from the circumstance of Serha Singh having been subpœnaed as a witness in so many cases renders that person liable to suspicion, I do not think that it would be fair, under the circumstances above stated, to impute dishonesty to Runjeet Singh, who, in the number of cases of which he had the management, could not always be expected to recollect the names and persons of the witnesses.

The 5th charge is aimed at myself and my serishtehdar, insinuating that I, notwithstanding my knowledge of these facts, was induced by the latter to propose Runjeet Singh for the vacant Moonsiffship.

In reply to this impertinent inuendo, I have only to say, that neither my serishtehdar, nor any one else, suggested the appointment of Runjeet Singh. It was necessary to appoint some one immediately to take charge of the office of Moonsiff of Khutowlee, who at the time of his death was found to have embezzled some money deposited in his court; and Runjeet Singh, being on the spot and second on the list of passed candidates, it naturally occurred to me to depute him to take charge of the current duties, and to recommend the appointment for confirmation to the Sudder Court.

The 6th charge is that, on assuming charge of the current duties of the Moonsiffee, Runjeet Singh procured the removal of the omlah of the late Moonsiff, on the ground that they were all implicated in the malversations of the deceased officer.

This is quite correct; I was fully satisfied that all the omlah must have been aware of what was going on, which was only brought to light by the death of the Moonsiff, and I knew there was little chance of my getting at the real state of the case so long as the old omlah continued in office.

Charge 7th. "That Runjeet Singh appointed to officiate as his record-keeper, a person named Bindrabun, who had been several times dismissed for misconduct from offices held by him in the Fouzdaree court."

As the offices held by this person and the dates of his appointment and dismissal are not specified in the petition, and the petitioner himself is not in attendance to furnish any information on the subject, I am unable to give any explanation on the subject: I shall, however, endeavour to learn the facts from the Magistrate; and if I find that the causes of Bindrabun's dismissal affect his character for integrity, I shall of course direct his immediate removal.

Charge 8th. That Runjeet Singh and his serishtehdar [who is a brother-in-law of the Judge's serishtehdar] attempted violently to recover from Attaoollah, the record-keeper of the late Moonsiff, a rookah for 1,000 rupees, given to the late Moonsiff on account of the defalcations in the latter's treasury; and that on Attaoollah's complaining to the Judge, he could not get redress, but was, on the contrary, sentenced to ten days' imprisonment.

In reply to this, I need only mention that the muhafiz duftur, Attaoollah, above alluded to, presented to me, in open cutcherree, a petition couched in most disrespectful language, which to have passed over without notice would have been most injudicious; and I accordingly fined him ten rupees for contempt of court, and, in default of payment, confined him in the civil jail for the period of ten days. Had he thought proper to petition me in a proper style, his complaint would have been duly inquired into; but after his release from confinement, he absconded, and when called on to give his evidence, was not forthcoming.

Charge 9th. "That the Moonsiff, after the institution of the foregoing complaint, by Attaoollah, got up a false charge against that person, of which the proceedings were *professedly* completed by the 29th January [a few days prior to the complaint of Attaoollah], whereas they were got up subsequently thereto."

I have again perused the proceedings of the Moonsiff in this case, and am satisfied that the above statement is false. As a clear proof of which, I may mention that the deposition of Attaoollah himself, in the case in question, taken before the Moonsiff, and signed by the deponent, is dated 1st February, or three days prior to the presentation of the petition by him to me. The investigation of the case by the Moonsiff was commenced on the 29th January, and referred to a receipt forged by Attaoollah for a sum of money purporting to be that of a vakeel of the Moonsiff's court, but which the latter denied having given, as also his receipt of the money. It was in this case that Attaoollah absconded from my court.

Charge 10th. This charge is so frivolous as to require no lengthened reply. The alleged misrepresentation of the Moonsiff, as to the existing relationship between the late Moonsiff and Attaoollah, may have arisen from misinformation, and not from design, with the view to cast indignity on the latter individual.

In conclusion, I beg to state that the apparent object of this petition is to throw suspicion on the serishtehdar of the Judge's office, Tekyte Nurain, as being in league with the present Moonsiff of Khutowlee to effect the ruin of the deceased Moonsiff's omlah, an accusation which I believe to be totally untrue. The present Moonsiff was nominated by me solely on my own judgment of his capacity as a vakeel of the court, and as being on the spot, and high on the list of passed candidates for Moonsiffships. On taking charge of the office, he reported [as was likely enough to be the case] that he could not get at the real state of affairs, in consequence of the unwillingness of the late Moonsiff's omlah to co-operate with him. This Attaoollah was the record-keeper of the late Moonsiff, and a connexion, and principally implicated in the embezzlements made by that person. The instigator of the petition against the present Moonsiff is, I believe, the muhafiz duftur of the Judge's office, Hursookh Raee, whose father was the Moonsiff's serishtehdar, and who was suspended and finally ejected with the rest of the establishment.

I have the honor to be, &c.,
(Signed) A. W. BEGBIE,
Judge of Meerut and Officiating Commissioner.

JUDICIAL DEPARTMENT,
24th December, 1842.

No. 62.

To J. S. CLARKE, ESQUIRE,
Officiating Judge of
MEERUT.

SIR,

S. D. A. N. W. P.
Present:
B. Tayler, and F. Currie, Esquires,
Judges.

The Court having had under consideration the report of Mr. Begbie, as Judge, submitted with your letter, No. 326, dated 29th ultimo, on certain allegations made against Runjeet Singh, Moonsiff of Khutowlee, in your district, by Umanut Ulee, or Umanutoollah, late a mohurrir of that Moonsiffship, (*) direct me to communicate their entire concurrence in the opinion recorded by Mr. Begbie on the character of the charges generally; agreeing with that officer in thinking it highly probable that the conscientious discharge of his duty, in bringing to light the mal-practices of his predecessor, on the part of the present incumbent, involving as it did the removal of the late Moonsiff's establishment, [the present complainant, as the Court presume, included] rendered him obnoxious to the resentment of the removed officials, which may have been displayed in the present charges—no further notice of which is called for.

* Note.—You erroneously style the complainant "Attaoollah Khan, late record-keeper."

I have the honor to be, &c.,
(Signed) M. SMITH,
Register.

Allahabad, the 14th January, 1843.

ABSTRACT.

Dismisses charges against Moonsiff of Khutowlee made by a mohurrir of the establishment of late Moonsiff.

APPENDIX C.

No. 1542.

To M. J. TIERNEY, ESQUIRE,
Judge of
ALLYGURH.

Sir,

S. D. A. N. W. P.
Present:
B. Tayler, G. P. Thompson, and F. Currie, Esquires,
Judges.

The Court of Sudder Dewanny Adawlut direct me, with reference to the note put on record by the Judge of the Court who visited your district during the cold season just past, to communicate to you the following observations and orders.

2nd. In paragraph 24, of your annual report for 1842, you certify the several register books required to be maintained in your own and the subordinate courts to be correctly kept up. The Judge of the Court has remarked on the general correctness of these records; but it does not appear that, though sent in occasionally for your inspection at periods of vacation, the books bear any attestation of having been examined. This should always be supplied by the signature both of yourself and the serishtehdar of your court.

Register books, &c.

3rd. It appearing that your officers keep up a register into which the papers of all the cases decided by the subordinate courts are transcribed, the Court request you will mention according to what rule such practice is followed. If each case forwarded from the subordinate tribunals be accompanied by a list of the papers which compose it, the necessity of the labor is not apparent.

4th. Much apparently remains to be effected in the matter of a proper adjustment of records. With reference to the obstacles thrown in the way of a clear ascertainment of their state owing to alleged injury from white ants and leakage, and abstraction by theft, the Court desire that you will furnish a special report as to whether you have taken any and what steps to make a new enumeration of the records, and discover from what period they may be reckoned complete. It is believed the old records have been destroyed up to the year 1820. Your opinion should now be submitted as to the propriety of destroying certain portions of misls up to a more recent date; and thus reducing, as much as possible, the mass of papers requiring to be arranged and put in order.

Arrangement of records.

5th. Defects are understood to exist in relation to the exhibition in the Nazir's books of receipts and disbursements on account of tulubana; in relative to the non-payment of tulubana prior to issue of process, and its mode of assignment to the peadah, and in respect to the regulation of the amount demandable according to the relative distances of the several villages from the sudder station. If for all villages, whether far or near, comprised in one Moonsiff's jurisdiction, the same amount of tulubana is demanded, error is committed. You will be pleased to refer to the various circular orders in the *Gazette* on this subject, and carry into effect the injunctions contained therein, especially with reference to the preparation of a table of distances for each jurisdiction, and its suspension in the Moonsiff's court. It should be seen that the peadahs on each establishment be not more numerous than is needful. This appeared to be the case in the Julesur Moonsiffship.

Tulubana.

6th. Referring first to circular order, dated [W. P.] 17th January, 1842, No. 177, of vol. III., part 4, which defines the duties and mode of remuneration of Ameens, the Court request you will satisfy yourself that rules are properly obeyed in this department, and correct what is erroneous. Inquiry should be made if the law is followed as to the places of publishing proclamations for sale of property by an Ameen, and whether the notices are suspended at the Judge's and Collector's, as well as at the Moonsiff's, cutcheries, and on the premises.

Ameens, and execution of decrees.

7th. A practice appears to prevail in the Utrowlee Moonsiffship, on the Ameen who has attached property reporting the absence of the decree-holder on the day fixed for sale, and his consequent inability to sell, for the Moonsiff to strike the case off the file—thus causing a necessity for the repetition of the whole process; which is objectionable and needless. I am directed to append in the margin (*) extract of a report from the Judge of Ghazeepoor calculated to meet this difficulty, and the Court see no objection to your communicating its substance to the subordinate courts.

(*) "There is, however, a point which requires conformity and some rule of practice, which is, how an Ameen is to act in the event of his going on the spot to make any investigation and the plaintiffs or defendants absenting themselves, a case of frequent occurrence. The practice I have adopted is, when an Ameen is directed to make an investigation, the parties themselves or their vakeels are at the same time informed that the Ameen will go to the spot on a certain day, or the day shortly after, in the event of the fees being paid in by the time allowed. The Ameen, after receiving his orders, sends, the evening prior to his starting to make investigation, a peadah to the different parties, to intimate that he will come the following morning; should the Ameen find that either party have absented themselves, he reports it to me, and goes to attend some other duty. The case is immediately brought before me, when another day is fixed on, and the vakeels are told that in the event of its being the party, at whose request the Ameen was sent, who was absent, should he fail to be present at the time newly fixed on, the case shall be brought on for trial without any such investigation; and in the event of its being the opposite party that is absent, that the case shall be investigated by the Ameen exparte."

EXTRACT OF COURT'S REPLY.

"The Court observe the contingency mentioned, of the Ameen on reaching the place of inquiry finding the parties in the case absent, has been met by your having prescribed a rule for the occasion, and does not appear to call for orders, beyond the remark that caution is necessary to prevent any abuse of the rule on the part of the Ameens."

8th. In suing out execution of a decree, a practice seems to exist generally for a separate petition to be given in at each stage—thus 1st. for attachment on which order is passed, 2nd. notice to claimants, 3rd. an order for the sale, instead of all the above being included in one process, stating that the sale is to be carried into effect after a fixed time, and that any claimant must appear within that period. You are requested to explain whether this practice is in accordance with any order of your court, or how it originated.

9th. A failure in some cases was observed to comply with the requirement of circular order, No. 164, of vol. III., part IV., printed circulars, dated [W. P.] 20th August, 1841, as relates to the prescrib-

ed *heading* of petitions suing out execution of decree. In the Julesur Moonsiffship the *second* application given in for execution after it has once been struck off on default, is received without such heading; which is, however, equally required at each renewal as at first; you are requested to enforce due adherence to this circular, to which the Court attach much importance. It is, also, as well that you ascertain that cases of execution so revived are made [as required by appendix to circular order, dated 21st December, 1838,] to bear the date [and number] of *re-admission* and not of original institution, the length of time the case remains on the file being calculated accordingly. The wrong practice was found to prevail in some Moonsiffships of the Agra district.

10th. If any general orders has been issued by the zillah Judge in your district [such is said to have been done by Mr. H. Lushington], for receipts for sums both above and below rupees 50 to be written on plain paper in the Moonsiffs' courts, you are desired to forward a copy thereof to the Court.

Vakeels. 11th. A general custom was observed, from a perusal of cases, of the lower courts issuing an order for the attendance of parties in suits, at the instance of the vakeel representing them, notwithstanding the presence of the latter. The object of the vakeel, the Court observe, may perhaps be to obtain his fee, which may be yet unpaid, or make something more out of his client. The only reason which *could* be openly assigned for such a request, viz. that the client's presence was essential to the proceeding with the case, is without force. A vakeel must have possessed himself both of all the circumstances, as well as of the documents of a case, before he could properly undertake its conduct; you are desired to check this harassing practice.

12th. Great delay on the vakeel's part in filing the proceedings was remarked as a fault of general prevalence, more particularly in the Moonsiffship of Khyr.

Umlah. 13th. The number of the officers on the Utrowlee Moonsiff's establishment [in excess of other officers of the same grade] and the low allowances assigned them, suggest your taking the opportunity of the present change of incumbents to inquire into the matter, in order to guard against abuse.

Delay in zillah court's office. 14th. Some instances of apparently great delay in your office cannot be passed without notice, if explicable by aught you may have to urge, the Court will be glad to be saved the recording of a censure, which otherwise seems inevitable.

1. In a case decided by the Ryah Moonsiff in January, the parties having agreed to arbitration, the arbitrators decided against defendant, who then petitioned for submission of the suit to another Moonsiff; this application having been forwarded to your court in *August*, obtained no reply at your hands till the end of December, notwithstanding 3 roobukarees calling attention having been sent—such matters should be disposed of on receipt.

2. 4 cases of execution of decree older than a year at the end of December before the Hatrass Moonsiff appear to have been delayed in your office. Thus in case

Bhuwanee Dass against Toolsee. of Moonsiff sent a proceeding to Judge on 25th January, 1842, requesting him to forward directions to the Collector to sell defendant's estate, apparently no proceeding was sent to the Collector till the 8th September.

Bhuwanee versus Toondee. Proceeding was sent by Moonsiff on 25th January, but no orders forwarded by Judge to Collector till the 28th May.

Buhadoor Mull versus Kulloo. The same as the foregoing.

Bhuwanee versus Ataram. Similar order passed by Moonsiff on 9th March, but not forwarded by Judge till 8th September.

3. In 2 cases of execution of decree older than 1842, before the Julesur Moonsiff, proceedings were sent to the zillah court as far back as 25th May, with a view to application to the Collector for sale of defendant's property, but proceeding was not sent to the Collector for nearly three months.

4. In 1 similar case before the Kasgunj Moonsiff, the property having been sold by the Collector, a request was made by the Moonsiff, through the Judge, on the 7th November, 1842, for the proceeds—which had not been received up to the 6th February. In respect to this last case, the delay may have occurred in the revenue department; but, in that event, it becomes your duty to bring the matter to the notice of the Court, for a proper communication being made to the Sudder Board. The late circular order, which permits such references by Moonsiffs direct, will, it is hoped, obviate much delay in future.

15th. The following errors and defects of practice and procedure were observed on inspection of one month's decisions in the respective courts, which should have your attention, and the occasional adoption by you of a similar plan [capable of being followed to much greater advantage by the permanently local Judge, and which is enjoined by paragraph 4, of circular order, No. 144, dated 24th March, 1841], of sending for decided suits and correcting errors found therein, the Court need not point out would tend much to produce a higher standard of efficiency in the several tribunals, and advance the credit of your administration.

Points of procedure and practice.

1. A case having been wrongly instituted in the Coel Moonsiff's court, was by him sent to the zillah court with an intimation that suit ought to have been brought before the Kasgunj Moonsiff, to whom the case was accordingly sent. But the right course was for the Coel Moonsiff to have *non-suited* the case, with an order to plaintiff to institute it in the proper jurisdiction.

2. Two cases before the Utrowlee Moonsiff [decided January].

1st. Before the expiration of the time allowed defendant to appear, plaintiff was permitted to file his proofs, and the evidence of his witnesses was taken.

2d. In a suit in lieu of a summary claim the plaint was taken on a stamp of full value instead of one-fourth.

3. From an investigation of the Coel Moonsiff's January decisions, his practice appeared to be, on the defendant not being found, to abstain from issuing proclamation against him till after the period named in the notice for the defendant to appear may expire—which is an unnecessary delay. It also appeared that to get an order of the Court for interest, from date of decree till realization, a petition was needed; but such order should pass as of course.

4. Two cases decided in January by Hatrass Moonsiff.

Bhuwanee Dass versus Muhejeet.

Defendant had appointed a vakeel, who omitted to file an answer to the plaint. Notwithstanding the presence of such vakeel, an 'ishtehar' was suspended prior to decision exparte—which was superfluous.

Gungapershad versus Mohunsing.

This suit was on a tumussook. Interest was awarded on the principal up to date of realization, whereas it ought to have been given on the principal up to the date of decree, and on the aggregate principal and interest up to period of realization.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Officiating Register.

Allahabad, the 14th August, 1843.

ABSTRACT.

Refers to certain points recorded by the Judge of Sudder Dewanny Adawlut who inspected the courts at Allygurh in the past cold season, and communicates observations and orders thereon.

APPENDIX D.

EXTRACT, paragraph 1, of a letter from the Principal Sudder Ameen of Bareilly, to the address of the Judge of Bareilly, dated the 24th February, 1843.

Para. 1. I have the honor to submit an extract from the Magistrate's report of criminal justice for the past year, and to request you will have the goodness to forward it to the Sudder Court, who will, from the abstract statement, and the explanation given under the column of "remarks," be pleased to perceive the duties I have performed in this department, and to observe that the number of 413 inserted in the column of "applications and petitions," were all miscellaneous foujdary cases, and were regularly investigated and decided. Exclusive of which I was, twice during the past year, placed in entire charge of the current duties of the Joint Magistrate's office; the first time, for two weeks, in consequence of the indisposition of Mr. Monckton—and the second, for a week, after the departure of Mr. Monckton, and prior to the arrival of Mr. Mill.

EXTRACT of a letter from the Magistrate of Bareilly, to the Commissioner of Rohilkund, on the administration of criminal justice for the year 1842, No. 56, dated 8th February, 1843.

No. 2.—Abstract of business disposed of during the year, and pending on the 31st December, 1842.

Names of Officers.	Designation.	Abstract statement of criminal business disposed of in 1842.					Abstract statement of criminal business pending 31st Dec., 1842.					Remarks.
		Heinous offences, Form 1.	Petty offences, Form 2.	Appeals.	Proceedings from other zillahs.	Applications and petitions of every other description.	Heinous offences, No. 1.	Petty offences, Form 2.	Appeals.	Proceedings from other zillahs.	Applications, &c. of every other description.	
H. Clarke, Esq., ...	Magistrate, ...	162	168	41	338	1621	1	3	0	0	28	Besides the cases shown in the statement, the following were investigated and prepared: By Mr. Monckton 40, decided by Mr. Clarke. Mr. Berkeley 378; of these 89 were decided by Mr. Monckton, and 289 by Mr. Clarke. Khan Bahader 92; 36 decided by Mr. Monckton, and 56 by Mr. Clarke.
E. Monckton, Esq.,	Joint Magistrate to 1st December,	192	144	0	0	2539	10	3	0	0	40	
J. B. Mill, Esq., ...	Offg. do. 10th to 31st December,	3	6	0	0	20		0	0	0	0	
H. Berkeley, Esq., ...	Principal S. Ameen,	0	149	0	0	413	1	0	0	0	13	
Khan Bahader, ...	Sudder Ameen, ...	0	64	0	0	355	0	0	0	0	7	
Busheeroola, ...	Ditto, Pilibheet, ...	0	2	0	0	17	0	0	0	0	8	
		357	533	41	338	4945	12	6	0	0	96	

Paragraph 39. Solicits expression of approbation towards Mr. Monckton, and Mr. Berkeley, Principal Sudder Ameen.

"The agreeable duty alone remains for me to solicit the expression of the approbation of Government towards the public officers who have, during the past year, so zealously aided in the conduct of the heavy judicial and police duties of this large district. Mr. E. Monckton and Mr. Berkeley have shown great industry and zeal in their respective departments. If in a few cases, Mr. Monckton has displayed a deficiency of judgment, arising, I believe, principally, from a want of due deliberation, his unwearied devotion to the public service, and laudable anxiety to prevent prosecutors and witnesses being vexatiously delayed at court, cannot be overlooked; and he, as well as Mr. Berkeley, have well earned the best acknowledgments I can offer them."

[True Extract.]

(Signed) H. J. F. BERKELEY,
Principal Sudder Ameen.

APPENDIX E.

Extract, paragraph 2, of a letter from the officiating additional Civil Judge of Bareilly, to the address of the Register Sudder Dewanny Adawlut, N. W. P., Allahabad, dated 23d December, 1842, No. 128.

Para. 2. In reply I have the honor to submit the following report:

The data were all recorded by me during my late tour to Shajehanpore and Budaon, and a report founded thereon would at once have been submitted to the Court, had the question of my jurisdiction as additional Civil Judge been defined. The point was referred by me to the Court on the 10th February, 1842, and in reply Mr. Cowell was instructed to place himself in communication with me. But I have never received any letter from Mr. Cowell on the subject; and the uncertainty overhanging the question of my powers as additional Civil Judge, and a feeling of delicacy towards Mr. Cowell, have prevented me from the exercise of all civil functions ever since.

SHAJEHANPORE.

On inspecting this office on the 12th February, 1842, I found 413 cases undecided on the Moonsiff's file, of these 63 had been pending more than three months, viz.

Instituted in August, 1841,	2	cases.
Ditto in September, „	16	„
Ditto in October, „	35	„
Ditto in November, „	10	„
Total,	63	

Only 1 case had been pending more than six months, and the delay was attributed to an investigation regarding the residence of the defendant, and the fact of his possessing property in the British territories. This case was ready for decision, and the Moonsiff was instructed to dispose of it, and several others, for retaining which on the file there appeared no sufficient reason, without further delay.

Every thing pertaining to this office appeared to be in excellent order. The cases were well and legibly written, and the various registers punctually brought up. The statements appeared to be forwarded to the Judge's office on or before the 10th of each month, and no delay was allowed to occur in delivering to parties, on plain paper, copies of the decrees passed.

A complaint was preferred against the Moonsiff by a disappointed suitor, but on examination it proved to be without foundation.

The chuprassees appeared to be employed regularly in turn, and the tulubana accounts to be carefully kept. All expressed their satisfaction at the mode in which they were employed and paid.

None of the vakeels of this court, 14 in number, are in any way related to or connected with its ministerial officers, or the Moonsiff himself.

The omlas appeared active and intelligent men, but much under-paid in reference to their qualifications, position in society, power and responsibility, as will appear by the following list:

Serishtehdar,	8	Rupees per mensem	salary.
Mohurrir,	5	Rupees	ditto.
Ditto,	5	Rupees	ditto.
Decree writer,	5	Rupees	ditto.
Execution of decree writer,	7	Rupees	ditto.
Total,	30	Rupees.	

The cutcherry appears well enough calculated for its present purpose. It is a square of 33 yards. The cutcherry itself and record office are flat-roofed, and apparently secure from fire; the verandas are tiled. The building is rented at 5 rupees per mensem.

The following tabular statement exhibits the number of cases instituted, decided and pending, at the close of each year, from 1832 to 1841:

	No. of cases pending at the end of 1832.	Received by transfer.	Instituted in 1833.	Received by transfer.	Total.	Transferred to other jurisdiction.	No. disposed of.	No. pending at the end of.		
1832	215	0	655	0	870	11	637	1833	222	
1833	222	0	811	1	1034	34	748	1834	255	
1834	255	0	755	7	1017	0	711	1835	306	
1835	306	0	902	13	1221	0	937	1836	284	An additional Moonsiff appointed on the 23rd September, 1837.
1836	284	0	854	204	1342	212	1012	1837	118	
1837	118	0	1042	248	1408	232	1067	1838	109	
1838	109	0	823	311	1243	292	872	1839	79	Two Moonsiffs employed.
1839	79	0	534	10	623	1	342	1840	280	One Moonsiff employed.
1840	280	0	998	13	1291	1	1030	1841	260	One Moonsiff.
Average.	207	0	819	90	1116	87	817	0	212	

STATEMENT EXHIBITING THE EXECUTION OF DECREES IN 1840 AND 1841.

	Balance of cases in 1839.	Cases of 1840.	Total.	Executed.	Remained at end of 1840.
Uhmed Hussen appointed additional Moonsiff on 23rd September, 1837, and removed on the 2nd February, 1838.	 142	345	487	246	241
Mr. Burges appointed additional Moonsiff on the 8th November, 1838, and suspended on 10th June, 1840.	in 1840...241	374	615	479	136

The monthly expense to Government of this office is rupees 190.

The receipts by the sale of stampt paper in the same in 1840 were, after deducting Rupees 188 on account of refund, Rupees 3,480; in 1841, after deducting 800 rupees, 5,262 rupees.

In 1840 the average duration of each case prior to decision was thirty-one days, in 1841 ninety-five days. This is apparently attributable to the increased amount of duty in the latter year performed by the Moonsiff.

Of the 342 cases disposed of in 1840, 151 were appealed, and in 77 instances the decision of the Moonsiff was reversed.

In 1841, out of 1030 cases disposed of, 92 only were appealed, and of these only 15 were reversed.

These results are satisfactory, and afford evidence of the assiduity and judgment of the present Moonsiff. He took charge of his present office on the 23d April, 1841, consequent on Mr. Burges' dismissal. The Court have already expressed their sense of this officer's services, in increasing his salary from rupees 100 to rupees 150 per mensem, and I confidently anticipate that the results of the present year will show that Gholam Yuhya is not ungrateful for the consideration which has been extended to him.

His establishment is very limited, when the number of cases instituted in his court is taken into consideration; and he complains that a considerable portion of his time, which might be more profitably employed in the hearing of suits, is now unavoidably devoted to the drudgery of a Nazir's duty.

Considering the extent of the jurisdiction of this Moonsiff's court, the wealth of its inhabitants, and the number of cases which the manufacture of sugar in particular gives rise to, I think an additional Moonsiff, to be stationed at Tilhur, might be appointed with great advantage to the interests of the people of the Shajehanpore district. This measure would, I conceive, not be attended with any expense to Government, as the sale of stampt paper in the new court would probably fully reimburse the Government for the outlay incurred—the Moonsiff of Shajehanpore would be in a measure relieved from an amount of duty, which at present may be deemed oppressive—while the establishment of a Moonsiff's court at Tilhur, would relieve a great body of suitors and witnesses from the inconvenience and expense of proceeding to, and residing in Shajehanpore, and would ensure a more speedy decision of their cases.

BUDAON MOONSIFF'S COURT.

On visiting this office, I found 262 cases pending at the close of February, of these 13 had been on the file upwards of six months. 164 had been instituted in January and February. The case longest on the file was instituted on the 10th July, 1841, and was postponed for settlement by arbitration.

Another was filed on the 19th July, and remained undecided in consequence of some account books having been called for. Another dated the 31st July had been returned by the Judge for a second hearing, and in another, instituted on the same date, some additional investigation had not been completed.

These cases, together with some others, the Moonsiff was instructed to dispose of without further delay.

I found the records of this office well cared for, the cases apparently well got up, and legibly written, the statements promptly despatched to the Judge's office, and no delay allowed to occur in furnishing parties with copies of decrees. The tulubana accounts appeared to be accurately kept, and the chuprassies of the establishment to be regularly and equally paid.

The ministerial establishment of this office varies but little from that of the Shajehanpore Moonsiff. It is equally ill paid, and my remarks on the latter are equally applicable to the Budaon office.

Serishtehdar, ...	10	Rupees per mensem.
Naib ditto, ...	6	ditto.
Misl Nuvees, ...	3½	ditto.
Ijrai Decree Nuvees, ...	4	ditto.
Decree Writer, ...	3½	ditto.
Mohafiz Dufter, ...	3	ditto.
Total, ...	30	Rupees.

All these officers, with the exception of one, the Naib Serishtehdar, are residents of Budaon; and they remarked to me, that it would be impossible for them to live on such limited salaries, if they did not reside with their families at their homes. There are ten pleaders employed in this court, and seven of them are related in some way to the four latter officers of the court.

Both points appear to me to be open to serious objections, and have already been productive of complaints, which I have forwarded to Mr. Cowell for orders.

The building occupied by the Moonsiff's court is spacious, and as secure as a native residence well can be from fire. It is private property, well situated in the town of Budaon, and is rented for the purpose of the Moonsiff's dwelling-house and office.

The following statement shows the number and value of suits instituted in the Budaon jurisdiction since the creation of the Moonsiff's office:

Pending at the end of 1832.	Instituted in 1833.	Received by transfer.	Total.	Transferred to other offices.	Remain.	Disposed of.	Pending at the end of 1833.
22	574	0	596	10	586	343	243
243	910	1	1154	29	1125	559	566
566	998	1	1565	318	1247	643	604
604	998	552	2154	549	1605	1012	593
593	909	456	1958	466	1492	1016	476
476	1133	587	2196	608	1588	1202	386
386	1291	908	2585	893	1692	1512	180
180	1472	990	2642	983	1659	1517	142
Average. 142 1110	* 1705	1167	3014	1157	1857	1482* 1032 Average.	375

Statement exhibiting the number of cases disposed of by each Moonsiff:—

	1833	1834	1835	1836	1837	1838	1839	1840	1841	Yearly average.
Gholam Mohun, Moonsiff, ...	343	559	564	524	501	584	589	499	629	532
Ubdool Ruhman, addl. Moonsiff, ..	0	0	79	488	515	618	585	518	610	488
Hussun Ruza Khan, 2nd addl. Moonsiff,	0	0	0	0	0	0	338	500	243	360
	343	559	643	1012	1016	1202	1512	1512	1482	

Of the 499 cases disposed in 1840, 5 only were reversed in appeal.

In 1841 the same number of cases, 35, were appealed, and the decisions in only 4 were reversed.

In 1840 there were, including the arrears of 1839 [107 cases], 413 applications for execution of decrees. Of these 308 were finally disposed of. In 1841 the number of applications amounted to 465, while that disposed of was 351.(*)

(*) The net amount realized by the sale of stampt paper in this jurisdiction in 1840 was Rs. 6,117; in 1841, 6,988 Rs.; while the charge to Government of the two Moonsiffs' offices amounts to Rs. 330 per mensem.

Mohumud Mohsun Khan has filled the office of Moonsiff of Budaon from the 25th April, 1833, the date on which it was created, and always, I believe, to the satisfaction of his superiors, and of those who have had occasion to resort to his court. He bears a high character among all classes for the most unswerving integrity, and the result of the appeals preferred against his decisions proves the soundness of his judgment. I know of no person in these provinces better entitled in every respect to the consideration of the Court.

The Moonsiff of Budaon urges the same objections as the Moonsiff of Shajehanpore against his being employed in keeping the tulubana accounts, and in the manual operation of writing out summonses, &c.

The Moonsiff of Budaon appears to have misunderstood Mr. Currie's order, regarding the authority of a Moonsiff to discharge a debtor on condition of his executing an agreement to liquidate his debt by instalments, and, in the event of his failing to perform his engagement, to enforce the same without the institution of a new suit; and as he states that great inconvenience and expense are entailed upon parties in consequence of the discontinuance of this authority, I think the Moonsiff should be informed that he has full power, under section 10, regulation II. 1806, and the Court's construction, No. 44, dated the 7th December, 1808, to accept such engagements *on the application of the party holding the decree*, and to issue process for enforcing its performance without the institution of a new suit.

ADDITIONAL MOONSIFF OF BUDAON.

At the end of February 1842, 278 cases were pending before the additional Moonsiff. Of these 45 had been on the file more than three months, 2 more than six months.(*) As no sufficient reason was assigned for these remaining undecided, the additional Moonsiff was instructed to dispose of them immediately.

(*) The case longest on the file was dated 31st July, 1841.

I found this office in good order, the cases neatly got up, the different office books and registers well kept and brought up. The cases and statements were promptly despatched to the Judge's office, and no delay appeared to have occurred in delivering to parties copies of the decrees passed.

The tulubana accounts were regularly kept, and the chuprassees employed in rotation; all appeared satisfied.

The office itself, although not so good as that of the Moonsiff, is sufficient for its purpose, and as the cutcherry itself and the record office are flat-roofed, it appears to be secure from fire. It is rented at rupees 4 per mensem.

My remarks upon the ministerial establishment of the Shajehanpore and Budaon Moonsiffs' offices are equally applicable to that of this office. They are equally ill paid, and are exposed to similar temptations.

Serishtehdar, ...	10	Rupees per mensem.
Naib ditto, ...	8	ditto.
Misl Nuvees, ...	6	ditto.
Ijrai Decree Nuvees, ...	4	ditto.
Mohurrir, ...	3	ditto.
	31	Rupees.

All, with the exception of the misl nuvees, are inhabitants of the town of Budaon, and the Serishtehdar is related to two of the vakeels, and the naib to one. There are nine vakeels employed in this office.

For the number of cases disposed of annually by the additional Moonsiff, since his appointment in 1835, I beg to refer to the statements of the Budaon office.

Out of 518 cases disposed of by the additional Moonsiff in 1840, there were 67 appeals, and in 13 instances the decision of the additional Moonsiff was reversed. In 1841, out of 610 cases disposed of, there were 34 appeals, and in only 2 instances was his decision reversed.

In the former year 304 decrees were executed, in 1841, 352.

Moulvee Mohumud Ubdool Ruhman, the additional Moonsiff of Budaon, was appointed to his present office in 1835. He is related to the Budaon Moonsiff, Mohumud Mohsun Khan. He bears a high character for integrity, and is an active and intelligent officer. He has brought to my notice on several occasions, that he is still only an additional Moonsiff after eight years service, while others when admitted to the service are at once appointed full Moonsiffs; and I am aware that he is anxious to leave his present office, and to be appointed a Tuhseeldar; I dissuaded him from this step, under the conviction that the Court would ere long recognise his services.

APPENDIX F.

No. 1526.

To J. S. BOLDERO, Esquire,

Judge of

Agra.

S. D. A. N, W. P.
Present:
B. Tayler,
G. P. Thompson, and
F. Currie,
Judges.
Esquires,

Register books, &c.

Sir,

The Court direct me, with reference to certain points recorded by the Judge of the Sudder Dewanny Adawlut who inspected the courts of your district during the past cold season, to communicate to you the following observations and orders:

2nd. Though no very remarkable defects or errors were apparent in the registers and other books required to be maintained in the several courts, it is found that some are not kept properly paged and signed by the

(*) The "Muttra Sudder Ameen's "yaddasht bahee" is open to this remark.

Moonsiffs, and in some the vakeels' signatures (*) are wanting to the orders. It does not also appear that the deposit books of the native courts are signed by you at the beginning and end of each, as required by rule. Some also [as in the Agra Moonsiff's court] are merely prepared as statements, but not bound up as registers. It, moreover, seems that none of the nutthees in your zillah are properly connected, but consisting of loose and separate sheets of paper, are liable to be easily lost.

3rd. In desiring that you will remedy these and similar defects, the Court observe that your professing examination of the register books of the subordinate courts is merely nominal and quite unsatisfactory, unless you certify and attest such scrutiny by your own signature and by the signature of your Serishtehdar at the end of each: the Court beg this may in future be carefully done. They have it in contemplation to define the number and description of books required to be kept up in each office—much diversity at present prevailing, and the absence of any uniform rule on the subject leading to a redundancy as well as deficiency of record.

Tulubana and muzkooree peadah department.

4th. Though the establishment of peadahs in each subordinate court purports to have received your revision with reference to its strength, being equal to, and not in excess of the demands on it, it may be worthy of further inquiry whether the number of peadahs in the courts of the Moonsiffs of Bah [44] and Sudder Ameen-Moonsiff of Muttra [54] are not too large. The Court observe, that while the table of distances for service of process, enjoined by circular order, is stated to be properly suspended in each Moonsiff's cutcherry, that of the Moonsiff of Futtehpore, Syud Uhmud Khan, is alone mentioned as prepared on a correct principle. The form in use in this last-named court should be circulated for adoption by the other tribunals whose tables appear to be not in sufficient detail, including the thannahs and large towns alone. You are also desired to advert to the injunction of the circular in respect to the deposit of tulubana, and the mode and period of its payment to the peadah, and correct the practice of the courts in accordance.

Ameens.

5th. In the Muttra office the practice appears to be for the Ameen to receive two distinct payments of fees, one on account of attachment of the property, and one for the sale; you are requested to explain under what rule this occurs, especially referring to circular order of the Sudder Dewanny Adawlut, No. 177, of printed circular, volume III., part IV., dated [Western Provinces] 17th January, 1842.

Execution of decrees and miscellaneous cases.

6th. The Court find that it is a general practice in this, as well as the Mynpooree and Alligurh districts, for a decree holder, desirous of serving out execution of his decree, to present a separate petition for each stage of the process: thus, he first prays the misl may be sent for from the Judge's office, on its arrival he files a petition for notice to be issued on defendant, then another for the property to be attached, and a fourth that it may be put up to sale. This multiplicity of petitions, when all that is wanted might be attained by moving the court once, should be discontinued; you are desired to report whence it has arisen, and what is its object.

7th. It appears to be the practice, both in the Muttra and Agra Moonsiffs' courts, on a case of execution that has been struck off on default being brought on the file anew, to enter it under the former, and not a new number. The appendix to circular order, of 21st December, 1838, in recapitulation of circular order, of 11th December, 1835, No. 163, particularly enjoins the contrary, viz. that such a case is to be brought on as a new or revived one, "bearing the date of its re-admission, and not of its original institution, the length of its duration on the file being calculable accordingly." This mistake [if still existing] should be remedied immediately. Also a wrong procedure appears in the circumstance of an original ishtehar for claimants in a case which had been struck off and revived as above, being admitted by the Agra Moonsiff as sufficient, and the sale ordered accordingly. The former processes, however, could not avail—new ones ought to have been issued.

8th. Touching objections of oozurdars to the sale or transfer of property in execution of decrees, it is desirable you ascertain if the rule of circular order, of 14th October, 1836, [embodied in appendix to circular order, of 21st December, 1838,] is duly adhered to, in respect to each objection in any case of execution constituting a separate *misl* or case, with suitable endorsement; but all papers relating to the execution of the same decree being at the same time kept in one bundle with the proceedings in the case to which the decree has reference, and a list annexed of the number of objections preferred.

9th. Two decisions of regular suits by the Muttra Sudder Ameen in November show great ignorance. They are of the same kind, viz. plaintiff having obtained a decree in 1840, but failed to sue out execution, now brings regular suit in order to realize the same, evidently supposing the decree could not be executed after one year, and the Sudder Ameen, under a similiar misconception, [defendant confessing judgment] decrees the amount. As a similar error till lately prevailed in the Furruckabad district, I am directed to quote, in the margin,(*) the remarks of the Judge of that zillah, and to request you will follow that officer's example, as described in the concluding sentence of the extract.

(*) "I have also put a stop to an irregularity in my own court, that seems to have been practised for some time past. I allude to cases in which the parties having received a decree in a Moonsiff's court, had failed to sue out execution thereof within one year from date of judgment. It was, heretofore, deemed necessary, under such circumstances, for the decreedars to institute a new suit in the Judge's court, and thus, on first coming to Futtehgurh, I found 11 cases of this description on the "original" file of the court. Now as in most of these instances the decree had been given within a few years back [much within 12], and in all, the Moonsiffs giving judgment had been appointed since 1831, [or under the new system,] it appeared to me no such measure was requisite, and I disposed of the cases accordingly. This practice seems to have originated in a misconstruction of the Court's circular order, dated 26th July, 1833, paragraph 6, which, however, I have now translated afresh, and circulated among the lower courts for their future guidance."

10th. You are desired to report what is the practice in the Moonsiffs' courts of your district, [and whether variable or uniform in the tribunals of that description,] in relation to the kind of paper on which receipts are filed for the amount of the decree. The discovery that a razeenamah had been filed, instead of a receipt, in a case before the Agra Moonsiff, suggests this inquiry.

11th. In a case of execution of decree disposed of by the Etmadpore Moonsiff in November, the sale advertisement was not affixed at the Judge's or Collector's cutcherries, as required by clause 2, section 3, regulation VII. 1825. So in a similar case before the Muttra officer, the sale proclamation was only suspended at the Sudder Ameen's cutcherry and on the premises.

12th. You are requested to satisfy yourself as to the provisions of circular order, No. 164, of printed circulars, volume III., part IV., dated [Western Provinces] 20th August, 1841, being duly adhered to in the several courts.

13th. It was observed in some miscellaneous cases that no separate proceeding or roobukaree was recorded, detailing the final order, which is perhaps written on the back of some other paper: a practice which is objectionable, and should be discontinued.

Points of practice and procedure.

14th. Such errors of procedure and practice as the Judge on circuit detected from the scrutiny made of one month's decisions in each court, were pointed out for correction and avoidance at the time. In both the Bah and Etmadpore Moonsiffs' courts it seems to be usual, on the plaintiff petitioning under regulation II. 1806, that defendant is about to abscond, to require security, not *hazir zaminee*, but to cover the claim or *mal zaminee*. It is essential that you ascertain the fact of the law not being misunderstood in this point, particularly with reference to Act VI. 1843. The Court desire me to add, that the advantage is so obvious of this mode of testing the efficiency of the lower tribunals by calling for decided cases, and pointing out errors, [a practice enjoined on zillah Judges by paragraph 4, of circular order, No. 144, of printed circulars, volume III. part IV., dated 24th March, 1841,] as to make its occasional adoption incumbent on yourself, while it is no more than an act of justice to the Moonsiffs—several of whom, Syud Ubbas Ulee of Bah, Syud Ahmud Khan of Futtehpore, and Mr. Lyons of Agra, present very promising material in prospect for the higher grades of judicial employment. Iwuz Ulee Khan, Moonsiff of Etmadpore, whose replies to the oral queries of the Judge of the Court were far from satisfactory, no less requires strict supervision.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Officiating Register.

Allahabad, the 12th August, 1843.

ABSTRACT.

Refers to certain points recorded by the Judge of Sudder Dewanny Adawlut who inspected the courts at Agra in the past cold season, and communicates observations and orders thereon.

APPENDIX G.

No. 626.

To C. R. CARTWRIGHT, Esquire,

Judge of

Furruckabad.

S. D. A. N. W. P.

Present:

B. Tayler,
G. P. Thompson, and
F. Currie,
} Esquires,
Judges.

Sir,

The Court direct me to remark on several points discussed in your report on civil justice for 1842, dated 31st January last, as follow:

Abstract.
Communicates Court's orders and observations on the Judge's civil report for 1842.

2nd. The Court will await the suggestions which you contemplate making, through the Commissioner, for transferring part of the jurisdiction of the Moonsiffs of the City and Kaemgunj [as a relief to them] to the Moonsiffs of Doondwarra and Kunouj. The imputation relative to the fictitious and fraudulent character of a large portion of the suits filed in 1840 and 1841, before the Kunouj Moonsiff, would have needed special inquiry, and ascertainment of its truth, but that Bakur Ulee, the incumbent of that period, has been dismissed by the Court for irregularities and malpractices. The Court do not, however, understand how the withdrawal of such false suits by razeenamah could operate to "swell the list of the decisions," the settlement of a suit in that mode not being accounted a decision on the merits of a case.

3rd. Your account of the judicial character of Ghoolam Moheeooddeen, of Chibramow, and Mohumud Uleemooddeen, of Kunouj, is in unpleasing contrast with the description given of the other Moonsiffs; and the two of whom your estimate is so little favorable will require to be watched.

4th. The Court conceive there is too much reason to apprehend, that some of the records stated to be not forthcoming, owing to ravages of rats, white ants, &c., may have been abstracted for objects of fraud, of which the intent (*) to file, or otherwise use stamp paper over again, after washing or obliterating the old writing, appears, from what has been detected lately in several districts, the most probable. The necessity of ascertaining, by careful enumeration, the actual state of the existing records, in order to prevent risk of further loss, is, as stated by you, obvious: and you are desired to report what is the *shortest period* within which the extra monthly establishment of 4 Mohurrirs, at 8 rupees per mensem each, would enable you to accomplish this task. When the Court suggested recourse to the agency of vakeels as auxiliary to this object, they only alluded to what had been found practicable by Mr. Okeden, Judge of Moradabad, and other officers; nor did they contemplate the employment of such agents, save under due superintendence of, and in co-operation with, the officers of the record department.

(*) *Note.*—Precautions for the prevention of this practice in future are under consideration, in communication with the Calcutta Court.

5th. If the whole of the 121 cases stated to have been tried with a jury, were adjudicated in a manner more satisfactory to you than if the agency in question had *had* in them no concern, the Court consider that the jury system, notwithstanding the obstructing causes noticed by you, cannot but be esteemed to have succeeded in the zillah under your charge. The obstacles you have encountered were not dwelt on by your immediate predecessors, Mr. Swetenham and Mr. A. P. Currie; but the testimony of almost all Judges who have persevered in the experiment, demonstrates the reality of their existence, and the strength of their counteracting influence. It might admit of a doubt, perhaps, whether the association with each jury of a Mooktear, "who takes notes as the papers are read over, and explains them to the rest of the jury," may not operate to give to such person, and his opinions, an undue ascendancy and influence in the deliberations of the whole body.

6th. Your suppression, by a circular proceeding, of several glaring irregularities of procedure of the Moonsiffs, stated in paragraph 3, of the 2nd part of your report, is approved of. The employment on the establishment of judicial officers of relatives and dependants of their own, and the extent of which such practice is in a public view prejudicial, and open to objection, are points which have been repeatedly discussed, and on which the sentiments of the Court are before Government; but no prohibitory rule having been deemed to be needed, further comment is not here called for. Regarding the other circular proceeding, said to have been issued by you, anticipatory of the Court's circular, of 24th June, 1842, laying down rules for the guidance of civil courts in drawing plaints, and wording decrees for land, I am desired to state that, as a general rule, you are not authorized to promulgate to the courts of your district instructional letters involving any important principle of procedure such as the above, without their previous submission for the approval of the Court.

7th. Your correction of the error reported in paragraph 6, was quite proper. The circular order of 1833, quoted by you, clearly limits the necessity of bringing new suit, in the event of execution not being sued out within a year from date of judgment, to decrees passed by Moonsiffs under the *old system.*

8th. Adverting to the long retention before the Nuwab of Furruckabad of suits referred to him, which appear as undisposed of before the courts in which they were first filed, the Court observe, that their instructions, conveyed in letter, No. 605, dated 1st April, 1842, do not appear to have provided for this point; and they can see no objection to such cases being struck off from the files of the several courts on transfer to the Nuwab, being liable to be entered as fresh suits, if hereafter brought before them for trial and adjudication.

9th. On the various matters discussed in paragraphs 11 to 18 inclusive, of the 2nd part of your letter, I am instructed to observe that,

Copy of paragraph 11, touching the mode of endorsement of the sale of stamps by stamp venders, has been sent for the information of the Sudder Board.

10th. The service of process of one Moonsiffee in the jurisdiction of another, through the agency of peadahs of both, a double tax being thus imposed on the parties in the case, is very unnecessary. The best plan seems to be for the process to be served by a chuprassee of the Moonsiffship whence it issues, endorsed by the Moonsiff of the jurisdiction in which it is to be executed.

11th. The question of the entertainment of Nazirs in Moonsiffs' courts will be considered; but it would involve a modification of clause 4, section 5, regulation VII. of 1832. The expediency of fixing the rate of remuneration to copyists of papers in the Moonsiffs' courts, will also be considered.

12th. The sanction of the Judge to the Moonsiff's realization of a fine imposed by the latter for resistance of process being only formal, and not given on the merits of the order, the Court observe, that such sanction having been accorded, cannot affect any opinion which the Judge might afterwards form or express in appeal; and they further remark on the objectionableness of your having, to meet the supposed difficulty, retained the application for sanction on your file, till the expiry of period of appeal—a course which would prevent the appeal being made at all.

13th. The Court observe that the circular order, of the 18th September, 1840, No. 107, issued by them, and the corresponding instructions of the Sudder Board of Revenue on the subject, provided how the account of deposits should be recorded between the Moonsiffs and Tuhseeldars; and, the form being so simple, they would not have supposed error or omission could have occurred. Extract paragraph 15 of your letter, and this paragraph, will be circulated to the Judges generally, for their caution in this particular, and for the correction of any irregularity found to prevail.

14th. Relative to your suspicion of Ameens fabricating "kibalas" that have been "left in their possession," the Court wish for further information, as to how they have been wont to be so left, and whether the circular order, of 17th January, 1842, No. 117, and published in *Government Gazette,* of 22nd February, defining the duties and fixing the remuneration of this class of officers, is duly observed in your district.

15th. The anomalies, mentioned in your 18th paragraph, in the constitution of the Principal Sudder Ameens' courts, have not escaped the notice of the Court.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Officiating Register.

Allahabad, the 30th March, 1843.

No. 82.

TO THE OFFICIATING REGISTER,

Sudder Dewanny Adawlut,

ALLAHABAD.

Sir,

I have the honor to acknowledge the receipt of your letter, dated 30th ultimo, No. 626, containing the remarks of the Court on several points that were discussed in my annual civil report for the past year.

2nd. Agreeably to the desire expressed in the 4th paragraph, I beg to state, that, with an extra establishment, such as is therein mentioned, I consider the records of the court may be thoroughly enumerated and compared, within five months from the time that such aid is afforded. It would of course be my endeavour to hasten by every means in my power the accomplishment of the undertaking, and should it terminate within the time I mention, the extra establishment would be at once dismissed.

3rd. In paragraph 5 of your letter, I am informed that "the Court doubt whether the "association of a Mooktear with each jury, may not operate to give such person and his opinions an "undue ascendancy and influence in the deliberations of the whole body." From this I infer that the Court have mistaken the extent of the "explanations," which I stated that these persons give to the rest of the jury; and that I have failed *accurately* to describe the part taken by them in the deliberations. The simple fact is this. The Mooktear acts the part of scribe, he notes down the names of the parties, the amount and nature of the suit, the dates of documents, &c. It is with regard to these matters *only* that he gives an "explanation" to his fellow jurors, and as his explanation is spoken immediately within my hearing, I think I can safely say it carries with it no undue bias whatever. Indeed, were it as supposed by the Court, we should not see the Mooktear so frequently included in the *minority* of the jurors, and sometimes even left to the expression of his own singular opinion. The question too arises, if these men are to be excluded from juries, where can we find others who are capable of filling their places. It is absolutely necessary, at least it appears to me so, that some one of the jury should be able to read and write [especially as most of the cases tried with them in my court are cases of account]; if this is admitted, I should often have to search long and fruitlessly for such a character, if I were to confine my choice to *unofficial* individuals. Upon the whole it appears to me, that as the selection of a Mooktear [to serve] is made by me at random from a host who are always in attendance, and as the part he performs on the jury is enacted immediately under my own eye, there is as little to fear in this mode of trial [from undue ascendancy] as the constitution of any native jury will possibly admit of.

4th. At the end of paragraph 12, the Court remark, that my retention of a Moonsiff's application for the sanction of a fine until the period of appeal has expired is "objectionable, and would prevent the appeal being made at all." I submit, that my idea was, that as the Moonsiff had already passed the order for fine, an appeal from that order might be preferred [notwithstanding the absence of sanction to fine], in the same way that any interlocutory order of the Moonsiff might be appealed from by discontented parties. I shall, however, in future, adopt the Court's view of the matter.

5th. In paragraph 14, the Court advert to my remark upon Ameens being suspected of fabricating "kibalas" left in their possession. My remark appplied to "COPIES of kibalas," which had, up to a recent date, been left in the Ameen's possession for an indefinite time. The omission of the words "copies of" in my letter was accidental. The fabrications to which I alluded had taken place in these *copies*, so that when they were copied from again, errors were perpetrated that created much confusion. The Ameens now send in authenticated *copies* of all kibalas drawn up by them at the end of every month for record in my court. The circular order alluded to by you, with respect to these Ameens, has been duly observed in this district, to the best of my knowledge, from the date of its promulgation.

I have the honor to be, &c.,

(Signed) C. R. CARTWRIGHT,—*Judge.*

Furruckabad, Judge's Office, the 15th April, 1843.

APPENDIX H.

No. 1576.

To C. R. CARTWRIGHT, ESQUIRE,

Judge of

FURRUCKABAD.

S. D. A. N. W. P.

Present:

B. Tayler,
G. P. Thompson, and } Esquires,
F. Currie,

Judges.

Sir,

The Court direct me, with reference to the note of observation recorded by the Judge of the Sudder Dewanny Adawlut on circuit, regarding the portion of the civil tribunals of your district, indicated in the margin,(*) which opportunity permitted his inspection of in the past cold season, to communicate as follow:

(*) 1st Moonsiff of City.
2nd Moonsiff of City.
Moonsiff of Chibramow.
Moonsiff of Kunouj.

Register books, &c.

2*nd*. The register books of the two City Moonsiffs and of the Kunouj Moonsiff appeared to be generally correct. In some of the books kept by the Moonsiff of Chibramow defects were detected. Owing to the absence of any rule prescriptive of the number and kind of records of this nature, much variation exists both in the Judge's and subordinate courts; which, and the uncertainty consequent thereon, the Court have it in contemplation to remedy, by defining and fixing the number and description of registers.

Tulubana department.

3*rd*. Both of the City Moonsiffs having complained of the labor entailed on them, in keeping the account of tulubana, and seeing every muzkooree peadah properly paid, to the interruption of more important duties, the Court have been led to take into consideration the proposal made, in paragraph 13, of the second part of your annual civil report for the past year, touching the modification of the existing law, and the appointment of Nazirs to the Moonsiffs' courts—and a communication has been made to the Calcutta Court.

Execution of decree department.

4*th*. The Court doubt if correct practice prevails in respect to the fees paid to Ameens employed to sell property in execution of decrees, it appearing that fees are demanded first for attachment, and again for sale. The circular order, on this subject, No. 177, of printed circulars, Volume III., Part IV., dated (Western Provinces) 17th January, 1842, should be brought to the notice of those officers who follow an erroneous practice.

5*th*. You are requested to state according to what rule, on a petition being given by an oozurdar, his deposition is accustomed to be taken on hulufnamah, if such a course be usually followed.

6*th*. A practice having been observed in the Kunouj Moonsiff's court, on a decree holder applying for defendant's property to be sold, for a proceeding to be first sent to Collector to ascertain whether defendant possesses a share in the estate or not, sale not being ordered should the reply be that defendant's name is not recorded; I am directed to forward copy of a letter from the Secretary to the Sudder Board of Revenue, No. 16, dated 6th May, 1842, intimating the superfluousness of such a course, and to request you will inform the civil courts thereof.

7*th*. Complaints having been generally made of inconvenience from the constant transmission and re-transmission, between the Judge's office and the lower courts, of 'misls' regarding execution of decree at the instance of the decree holder, the Court have some rule on the subject under consideration.

8*th*. Various errors appeared in the decisions which were examined from the office of the Chibramow Moonsiff, but the result of oral communication with him was not correspondingly unfavorable. The Moonsiff of Kunouj, Cazee Uleemoodeen, again, did not stand the last-named test to the satisfaction of the visiting Judge.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Officiating Register.

Allahabad, 18*th August*, 1843.

ABSTRACT.

Communicates the observations of the Court on note recorded by Judge, Sudder Dewanny Adawlut, who went on circuit past cold season, regarding a portion of the civil tribunals of zillah Furruckabad.

APPENDIX I.

No. 1562.

To S. FRASER, Esquire,

Judge of

MYNPOORIE.

S. D. A. N. W. P.

Present:

B. Tayler, G. P. Thompson and F. Currie, Esquires, *Judges.*

Sir,

The Court direct me, with reference to the note placed on record by the Judge of the Sudder Dewanny Adawlut, who inspected the courts of your district on circuit in the past cold season, to communicate to you the observations and orders which follow.

Register books, &c.

2*nd*. So much diversity is found to exist in the number and description of records of this nature kept up by the several courts, that it is in contemplation to devise a rule defining and fixing their number on an uniform plan. In the mean time the Court desire me to state, that as often as these books are subjected to examination by the zillah Judge, it is essential that his signature, as well as that of his Serishtehdar, should be affixed to the end of each book in attestation thereof.

Tulubana and muzkooree peadah department.

3*rd*. It appears that the tables of distances for service of process required to be suspended in each Moonsiff's court are, in general, very defective, and that no correct principle is followed in adjusting the amount of tulubana, the same amount being demanded for processes issued in an entire thannah jurisdiction, without respect to the greater or less distance of villages from the Moonsiff's cutcherry. It was understood that a revision of the distances was about to be made, with reference to the survey, after certain information from the Collector had been received. Your attention is called to the subject, and to the recent circulars of the Court thereon. The Court believe the peadah establishments have nominally undergone revision in relation to their strength being equal to, and yet not in excess of, the demands for their services; but perhaps further inquiry might show that more are retained than can obtain livelihood.

Ameens.

4*th*. In the Paphoond Moonsiff's court the practice appeared to be for an Ameen employed in sales to receive double fees—first for attachment, and afterwards for sale of the property. You are requested to ascertain that correct understanding previls of the circular order, No. 177, of printed circulars, Volume III., Part IV., dated (Western Provinces) 17th January, 1842, and further to observe that paragraph 8 thereof, restricts an Ameen's agency to the attachment and sale alone, barring his employment in the issue of sale advertisements, or reception of petitions of objection.

Execution of decree department.

5*th*. In the Paphoond office also, it was noted that the injunction of circular order, No. 164, of printed circulars, Volume III., Part IV., dated (Western Provinces) 20th August, 1841, was not observed in respect to *revived* applications for execution of decree made anew after the case having been once struck off on default. The rule, however, of that circular equally applies to petitions of the nature described, however often renewed. This circular had been unobserved, also, in some instances, in the Etawah Moonsiff's office, where other irregularities were perceived; and it is, therefore, desirable that the proceedings of that officer should be watched, in order that similar faults may not be repeated: this officer proposed to resign in preference to standing the test of examination, but the Court have not since been informed of his secession. This point should be inquired into, and reported on for the information of the Court; and if the person, who held the office of Moonsiff at Etawah, at the time of the Sudder Judge's tour, be still in place, the alternative of resignation, or undergoing examination, should be again offered, and enforced.

Errors of procedure and practice.

6*th*. Much delay was apparent in many cases in filing proceedings, a matter in which Moonsiffs and other judicial officers do not enough enforce the responsibility of the vakeels: and from the cases examined a general notion seemed to prevail, that the production of a vakalutnamah by defendant was sufficient to bar exparte decision, notwithstanding failure for many weeks perhaps to file the answer.

7*th*. You are requested to report the practice of the Moonsiffs' courts on the contingency of verifying service of process on the defendant prior to passing decision exparte, when the witnesses to service may reside in another district: this verification (*) was omitted in a case inspected from the decisions of the Paphoond Moonsiff, who also appears to be in the habit of wrongly decreeing *compound*, instead of simple, interest from the date of institution to that of decision.

(*) *Note.*—In execution of an exparte decree, notice and 'ishtehar' having been duly issued to defendant who failed to appear, the City Moonsiff thought it needful again to take evidence to the service of these processes, which was superfluous—this precaution having been once taken prior to original decision.

8*th*. You ought also to satisfy yourself that Act XXIX. 1841, is acted on by all the courts, and the circulars connected with it understood; and that the rule is enforced of circular order, dated 12th December, 1834, (embodied in appendix to circular order, of 21st December, 1838,) for applications for execution of decree being struck off the file on failure for six weeks to carry it on, or on the whole of the property pointed out having been either sold and the proceeds duly appropriated, or released from attachment in favor of other claimants. The courts of course understand, likewise, that cases revived after being so struck off, bear the date of re-admission, and not of first institution, their duration being reckoned accordingly.

9*th*. The City Moonsiff (Kureem Koolee) wrongly struck off a case on default, plaintiff having done all that the law requires to procure attendance of the defendant who failed to appear. The proper course was to have proceeded exparte. The same Moonsiff allowed a plaintiff time to get a document stamped without specifying any reason, which is opposed to the circular, No. 249, dated 31st January, and published in *Government Gazette*, of 8th March, 1842.

10*th*. Besides Syud Kuramut Ulee, Moonsiff of Etawah, Mohumud Abdool Hafiz Ulee, Moonsiff of Suhawur, appeared, with reference to the fact of complaints having occasionally been preferred against him, to require to be watched; and the proceedings of Lala Loknath Tewaree, of Paphoond, showed more errors than those of the rest; while the unsatisfactory mode in which he replied to the queries orally proposed, makes your careful supervision of his work also expedient.

Moonsiffs.

11*th*. With reference to the subject of paragraph 54, of the Court's civil report for 1841, extract of which is in your office, it does not appear to the Court, from the result of their colleague's observation, and from the large number of adjustments, confessions of judgment, and exparte decisions in cases of the nature described therein (claims without document 'dustgurdan' and an account book), that the impression of your predecessor regarding the evils and abuses incident to this system is borne out by facts. The propriety of the practice in a jurisprudential view need not now be discussed.

12*th*. The Court are glad to find that the records of your office are in good order. The practice of abstracting stamps for the purpose of fraudulent filing over again after obliteration of the writing, appears to have prevailed in zillah Mynpoorie, in common with many districts. It is hoped that the rule lately promulgated may prevent the repetition of these malpractices.

Records.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Officiating Register.

Allahabad, the 14*th August,* 1843.

ABSTRACT.

Refers to note of the Judge of the Sudder Dewanny Adawlut, who visited Mynpoorie on circuit in the past cold season, and communicates sundry observations and orders thereon.

[True copies and extracts.]

G. F. EDMONSTONE,

Officiating Register.

APPENDIX J.

STATEMENT of Charges incurred by the Honorable the Court of Directors in prosecuting Appeals before the King in Council, the amount realized, and balances due.

Cases.	In English Money.			In Sicca Rupees.			In Co.'s Rs. at 6 rs. 4 as. per cent, as the difference between Sicca and Company's Rupees.			Amount realized in Company's Rupees.			Balance due in Company's Rupees.			Remarks.
	£.	S.	D.	Sa. Rs.	As.	Pie.	Co.'s Rs.	As.	Pie.	Co.'s Rs.	As.	Pie.	Co.'s Rs.	As.	Pie.	
By Appellant, ... Lall Dhowkul Singh, ...	647	13	8	6476	13	4	6908	9	11		all					Received 31st January, 1838; and on 21st September of the same year transmitted to Collector Allahabad, under orders of Government, dated 21st August, and carried to Profit and Loss.
Respondent, ... Rajah Chetpal Singh, ...	586	12	4	5866	2	8	6257	3	11		all					
							13165	13	10							
By Appellant, ... Ulruck Singh, ...	768	15	5	7687	11	3	8200	3	7		all					Received 24th April, 1839, and sent as usual on the 5th June of same year to Collector Allahabad.
Respondent, ... Baneepershad, ...	670	1	11	6700	15	4	7147	10	0		all					
							15347	13	7							
By Appellants,.. Madho Sohoy, and Banee Sohoy, Respondents, ... Government Executors to the late Jyekishen Doss, ..	820	18	11	8209	7	4	8756	2	9	5175	3	10½	3580	14	10½	Received 5175-3-10½, 7851-6-9 Rs. 13026-10-7½ on 26th October, 1838; and sent as usual, on the 8th July, 1840, to Collector Allahabad, the sum of rupees 5175-3-10½.
	736	1	5	7360	11	4	7851	6	9		all					
							16607	9	6							
By Appellant, ... Rajah Hamunchul Singh, ..	1286	7	11	12863	15	4	13721	8	10½	520	9	0	13200	15	10½	Received on 30th May, 1840, [appellant 520-9-0, respondent 307-2-6], rupees 827-11-6; 11th June of the same year, sent as usual to Collector Allahabad.
Respondent, .. Gunsham Singh, ...	1118	3	9	11181	14	0	11927	5	4¼	307	2	6	11620	2	10¼	
							25648	14	2¾	827	11	6	24821	2	8¾	
By Appellants,.... Mooftee Abdoolah and others, Respondents, .. Baboo Madho Chund and others.	720	15	6	7207	12	0	7688	2	0	7658	3	9	29	14	3	Received on 20th March, 1838, and entered in vakeel's deposits, Form A., rupees 7658-3-9, and on the 14th March, 1842, transferred to judicial deposit; on the 21st idem, sent as usual to Collector Allahabad: and on 12th November, 1838, received rupees 6799-3-3, and on 14th November of the same year, sent to Collector Allahabad.
	639	18	6	6399	4	0	6825	5	0	6799	3	3	26	1	9	
							14513	7	0	14457	7	0	56	0	0	
Total, ...							85283	10	1¾	56825	8	6½	28458	1	7¼	

G. F. EDMONSTONE,—*Officiating Register.*

REPORT

OF THE

SUDDER DEWANNY ADAWLUT

NORTH-WESTERN PROVINCES

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE

FOR THE YEAR

1843. 45 1846

AGRA

PRINTED AT THE AGRA ORPHAN PRESS BY E. H. LONGDEN.

1844.

Report.

No. 1396 of 1844.

From G. F. EDMONSTONE, Esquire,

Register to the Court of
Sudder Dewanny Adawlut,
N. W. Provinces.

To JOHN THORNTON, Esquire,

Secretary to the Government,
N. W. Provinces.
Dated Agra, the 13th July, 1844.

Sir,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, and
J. Davidson,
Judges.
} Esquires.

I have the honor, by direction of the Court of Sudder Dewanny Adawlut, N. W. Provinces, to transmit Reports and Statements, agreeably to the detail given in the annexed list, in illustration of the Administration of Civil Justice, during the year 1843, and to request, that they may be submitted to the Hon'ble the Lieutenant Governor, together with the following Report.

DELHIE.

2. A decrease in the income of civil business, adverted to in the 4th paragraph of the Court's Report for 1842, was succeeded during the past year, by a considerable addition to the number of suits instituted, which was larger by 589, than in the preceding year, while the number of cases before the Court was likewise 560 in excess; a corresponding increase of exertion, however, has not been wanting, and the result is favorably represented by the disposal of 6,084 regular suits and appeals, of which 3,277 were decided on trial, being 622 more than in 1842, by a diminution of 62 in the number pending at the close of 1843, as compared with 1842, and by the recency of their institution: with the exception of one regular suit, nominally of date prior to 1843, which had been remanded for re-trial to the Moonsiff of Paneeput in September, none instituted before April of that year, awaited decision in any of the Delhie Courts, at its close, while the business in the miscellaneous department was, in this respect, in an equally satisfactory condition, the arrear, of longer standing than a twelvemonth, being confined to one appli-

Judge.		
Headings, Nos.	1 to 14, ..	487
„	„ 15 to 17, ..	2716
		3203

Principal Sudder Ameen.		
Headings, Nos.	1 to 14, ..	526
„	„ 15 to 17, ..	370
		896

cation for execution of decree, appearing on the file of the Principal Sudder Ameen's Court, the object of which had been partially accomplished by the satisfaction of a portion of the decree.

3. Mr. Colin Lindsay, who presided as Judge during the whole of the past year, the month of March excepted, was vested with the powers of Special Commissioner under Regulation III. of 1828, by the orders of Government, dated 8th April, No. 1675, and being occupied in the duties of the Civil Court for 136 days, disposed of 171 regular suits, of which all but one were appeals, besides 19* cases in his capacity of Special Commissioner, and decided, after investigation of the merits, the miscellaneous cases enumerated in the margin,† 65 of which related to execution of decree, which was completely accomplished in 42 cases; the business transacted by Mr. J. Laurence, who acted as Judge from the 6th to the 31st March, comprised the decision of 21 regular suits. For 96 days of the period under review, being 20 in excess of the preceding year, Mr. Lindsay held sittings as Judge of Sessions and Criminal Appeal, and during that period, a portion of which was engrossed by three official visits on circuit to Hansee, he disposed of 122 trials, in which 308 persons were implicated, and 268 appeals from the orders of the Magistrates and Joint Magistrates, subject to his control. Four appeals‡ from this Court came before the Sudder Dewanny Adawlut during the past year, in two of which Mr. Lindsay's judgment was upheld, and in the remainder either reversed or modified.

* *Note.*—According to Mr. Lindsay's Report 29 cases—the Statements have been followed in the text.

† STATEMENT No. 2.

Headings,	1 to 14, ...	300
,,	15 to 17, ...	2716
		3016

‡ Regular, ... 2
Special, ... 2

4. The high opinion entertained by Mr. Lindsay, of the Principal Sudder Ameen Moulvee Mahomed Sudroodeen, as expressed in his last Report, is on the present occasion repeated and borne out by the result of his exertions, regard being had to the lightness of his regular files, on which 59 undecided cases only (42 original suits, and 17 appeals) appear at the close of 1843: he brought to decision after trial 325 cases, 101 being original suits, and 224 appeals, the miscellaneous work despatched by him, as noted marginally,§ included the execution of 113 decrees, in full, and 10 in part, (185 others having been struck off on default,) and he at the same time rendered efficient aid to the Sessions Judge and the Magistrate by the delivery of Futwas in 81 criminal trials, by the decision of 128 cases, referred to him by the Magistrate for that purpose, and by reporting, after enquiry, on 16 others of a similar nature; the Principal Sudder Ameen's performances, it is true, fall short of those represented in the Report for 1842, but, from this no relaxation of energy or industry can be inferred, seeing that the number of his decisions was necessarily limited by the quantity of work referred to his Court, and that the arrear, undisposed of at the close of 1843, was smaller than that pending at the end of the preceding year. Of 32 regular and 27 special appeals from his orders, determined by the Judge, 35 met with confirmation, 18 with reversal or modification, and 6 were remanded, the proportion being much the same as in 1842, while of those‖ preferred to the Sudder Dewanny Adawlut, his judgment in two was upheld, and in three reversed.

§ STATEMENT No. 2.

Headings,	1 to 14,..	526
,,	15 to 17,..	370
		896

‖ Regular Appeals, .. 5

5. A comparison of the operations in the tribunals of the lower grade, during the period under notice, with those represented in the Returns for 1842, satisfactorily establishes the efficiency of the revised judicial agency, introduced in the middle of that year, an increase in the number of suits before the Moonsiff's Courts, amounting to 669,¶ having been met by a nearly corresponding advance in the decisions, to the extent of 361: by the three Sudder Ameens, located at Delhie, Rohtuck and Goor-

¶ *Note.*—The details given in the 4th paragraph of the Judge's report, appear, on comparison with the Statements, to be erroneous. The latter have been followed in the text.

gaon, 78 * regular suits were brought to a termination by an order on the merits, and by these and other Officers acting as Moonsiffs, 2682† were tried, and determined, 375 having been dismissed on default, and 2327 adjusted or withdrawn; of the whole body, the Moonsiffs of Goorgaon, Noh, and Sirsa, alone fell short of the prescribed standard,‡ a result attributable solely to the lightness of their files, on which the small arrear, exhibited in the margin,§ was pending at the end of 1843. The performances of these Officers in the miscellaneous branch of their duty are no less creditable to their industry, 991 Decrees having been completely executed, and 603 others partially enforced, in addition to the disposal of numerous petitions and other matters connected therewith, after detailed investigation; of the 303 applications for enforcement of Decree, which required a final order at the end of 1843, none were of longer standing than a twelve month. This branch of the administration appears to have been conducted in a manner no less creditable to the industry of the Judicial, than to the prompt and cordial co-operation evinced, by the Revenue Authorities, without whose active aid, delay in the execution of decrees, and ultimately, objectionable arrear in the department must ensue. In the subjoined note is exhibited the number of Criminal trials decided in aid of the Magistrate, by the Sudder Ameens attached to this Judgeship.

* Ex parte, ... 20
Confession of judgment, .. 13
— 33

† Ex parte, ... 591
Confession of judgment, 1094
— 1685

Total, ... 1718

‡ 300 suits per annum.

§ Sudder Ameen and Moonsiff of Goorgaon, ... 11
Moonsiff of Noh, ... 43
Moonsiff of Sirsa, ... 29

	Pending at the end of 1842.	Admitted.		Confirmed.	Modified or Reversed.	Proportion of reversals to decisions.
Ikramooddeen, Sudder Ameen and Moonsiff of Delhie, ...	43	117	160*	73	46	34.64
Jumeeloodeen Khan and Pundit Mohesh Chunder Sudder Ameen & Moonsiff of Goorgaon,	6	47	53†	35	11	23.91
Ataoollah Sudder Ameen and Moonsiff of Rohtuck, ...	5	44	49‡	27	11	28.94
Mr. Smith 2d Moonsiff of Delhie, ...	9	112	121	43	50	53.76
Sidgopal Moonsiff of Paneeput, ...	2	25	27	13	9	40.9
Fuquerchund Moonsiff of Hissar, ...	2	19	21	6	15	71.42
Sookhbasee Loll Moonsiff of Noh, ...	5	15		12	3	20.
Buldeo Pershad of Sirsa,	2	1		1	1	50.
	74	380		§210	‖146	
		454			356	

* As Sudder Ameen, ... 12
As Moonsiff, ... 148 — 160
† As Sudder Ameen, ... 11
As Moonsiff, ... 42 — 53
‡ As Sudder Ameen, ... 10
As Moonsiff, ... 39 — 49

§ By Judge, ... 78 } 210 ‖ By Judge, ... 54 } 146
By P. S. Ameen, 132 } By P. S. Ameen, 92 }

Sudder Ameen of Delhie.
Ikramooddeen, ... 17
Sudder Ameen of Goorgaon.
Jumeeloodeen, ... 50
Sudder Ameen of Rohtuck.
Ataoollah, ... 1

6. So far as the result of Appeals may be received as a criterion, the quality of the decisions pronounced by the Sudder Ameens and Moonsiffs, is expressed in the marginal memorandum, which exhibits the proportion borne by orders affirmed, to those modified or reversed, and the share taken by the Judge and the Principal Sudder Ameen, respectively, in the execution of this duty; although it must be confessed that, as a whole, this result, shewing the orders upheld to bear a proportion of about 59½ per cent to those interfered with, is not particularly favourable to the judgment of the Officers concerned, yet it is but just to observe, that some improvement in this respect is apparent, as compared with the termination of appeals adjudicated in 1842, and that, of 2760 appealable cases, brought to decision in these Courts, the orders of the Court of first instance have been questioned in the small proportion of 380 only, from which, perhaps, more correct inferences regarding the judicial ability of the functionaries in question may be deduced; it is nevertheless obvious, on consideration of the marginal table, that these deductions, even, must be received with a qualification, referrible

to the relative distance of the Appellate Court from the site of the several Moonsiffees, and the consequent facility afforded, or obstacle opposed, to the institution of Appeals by parties, dissatisfied with the awards of the lower Courts,—the smallest number having been preferred from the decisions of the Sirsa Moonsiff, whose Court is most remote, and the larger from the tribunals located at Delhie and Goorgaon, which are adjacent to the appellate Court. Of the cases, in which interference with the original order occurred, 8 were sent back for retrial by the Judge, and three by the Principal Sudder Ameen. The remarks recorded by Mr. Lindsay in the 16th paragraph of his Report, with the view of removing the unfavorable impression of Mr. R. H. Smith's judgment, which the termination of appeals from his Court is calculated to convey, appear to the Court worthy of attention, and justify the expectation, that prolonged and enlarged experience will correct the defects, apparent in his system of procedure, and improve the quality of his judicial awards.

7. As the qualifications of Fuquerchund, the Moonsiff of Sirsa, are represented unfavorably on grounds, which do not, in the opinion of the Court, warrant the dissatisfaction expressed by Mr. Lindsay, I am desired to submit in Appendix (A), copy of a letter,* addressed by their order in reply to the special reference alluded to in the 16th paragraph of the Judge's Report; there may possibly be reason, derived from personal knowledge, as well as examination of this officer's proceedings, to doubt his judicial aptitude and method, but the circumstances reported by Mr. Lindsay, and recapitulated in the Court's appended reply, cannot be held to justify the imputation of neglectful conduct, or the communication of the Court's "severe censure," of which the Judge pronounces him to be "deserving."

* No 522, dated 30th March, 1842.

8. Paragraphs 2 and 3 of the Civil Report for 1842, allude to the constitution of the judicial agency in the Delhie Territory, as modified by the orders of Government therein cited, and to changes, which, though contemplated by some of the local authorities, were in abeyance pending further consideration and report: although the Judge was deterred by circumstances, mentioned in the 23rd paragraph of his letter, from reverting to this subject, the principal and most important question, the restoration of the Sudder Ameen's Court at Hissar, and the location of a similar tribunal at Sirsa, as proposed by Mr. Hamilton, Agent to the Governor General, on a special mission to Buhawulpore, has been recently revived in the correspondence marginally† denoted, and still remains undetermined; the Court may, therefore, satisfy themselves with this passing allusion to the matter, and with repeating their opinion, that the commercial transactions, and Judicial wants of the Bhuttee people are adequately provided for by the existing establishment and that all available information tends to represent the inutility of the suggested measure, which, it may be added, cannot be effected without the incurment of additional, and (the Court cannot but think) needless expense to Government.‡

† Your letter No. 937 dated 12th March, last.
My reply No. 634, dated 18th April with enclosures.

‡ *Note.*—Since these remarks were written, the proposed location of a Sudder Ameen at Sirsa has been definitively rejected, and the determination of Government promulgated on the spot, as directed in your letter No. 1976, dated 23rd May, 1844.

9. No suits were decided in this District during the past year with the aid of assessors, convened under the provisions of Regulation VI. of 1832, the causes being similar to those adduced by Mr. Lindsay in his Reports for past years.

SEHARUNPORE.

10. The increase in the income of suits during the year 1842, noticed in the 7th paragraph of the Court's last report, has not been progresssive, a reduction to the extent

JUDGE.		
Headings Nos.	1 to 14,..	474
„ „	15 to 17,..	3323
		3797

2 PRINCIPAL SUDDER AMEENS.		
Headings Nos.	1 to 14,..	638
„ „	15 to 17,..	178
		816

of 818 in the number of cases before all the Courts during 1843, as compared with the antecedent annual period, having occurred; this fact, in conjunction with the frequent changes of incumbency in the office of Judge, and other interrupting influences alluded to in the 2nd paragraph of Mr. Lushington's report, sufficiently accounts for a corresponding paucity of decisions, while the inconsiderable arrear, depending on the files of the several tribunals at the close of the year under review, and the almost entire absence of cases instituted prior to its commencement, leave no room for the imputation of inadequate diligence to the Judicial authorities of this District; of the latter description, the only case, which awaited decision, was an Appeal of 1841, returned to the Judge for reinvestigation in May 1843, and retarded in its progress by the reference thereof to arbitrators, whose proceedings seem to have been distinguished by irregularities fatal to their first award, and the manner of whose appointment, in the subsequent stage of the case, was discovered to be illegal.

11. It is satisfactory further to observe, that the miscellaneous files of the Principal Sudder Ameens' and the Moonsiffs' Courts were devoid of arrears, older than 1843, while the cause of the protraction of one application for execution of Decree beyond the period of a twelvemonth, is clearly indicated in the explanatory remarks appended to Statement No. 2, which it is not requisite to recapitulate in this place.

12. In the Judge's Court, which was presided over by the Officers named in the margin,* 175† Appeals, during 192 days devoted to Civil duties, were brought to decision on trial, and 255 miscellaneous cases under the fourteen important headings of Statement No. 2, including 29 decrees fully enforced, were likewise disposed of in the same Court after investigation of the merits: 56 days were occupied in the hearing of criminal trials and appeals, being less than the period similarly employed during the year 1842, but, notwithstanding the acquisition of greater leisure thus presumable for attending to the duties of the Civil Court, the number of regular cases, depending on the Judge's file at the close of the year, is precisely double that which appeared at the end of 1842, an unfavorable result, which can be ascribed only to the circumstances adverted to in a preceding paragraph, and for which the present incumbent in the office cannot be considered responsible. Two special appeals from Mr. Bacon's decisions, which were preferred to the Sudder Dewanny Adawlut, were both sent back by remand.

* Mr. G. W. Bacon, Judge, from 1st Jan. to 4th Sept. 1843.
Principal Sudder Ameen in charge, 5th to 7th September.
Mr. G. W. Bacon from 8th to 18th September.
Mr. G. F. Harvey from 19th September to 12th Nov.
Mr. H. Lushington from 13th November to end of year.

† Mr. G. W. Bacon, ... 152
Mr. H. Lushington, ... 23
175

13. The decision on trial by the Principal Sudder Ameen of Seharunpore, Mahomed Hossein, of 158 regular cases, (132 original suits and 26 appeals) though numerically inadequate under existing rules, could not well have been exceeded, when it is remembered, that, of the 173 cases pending in his Court at the end of the year, 140 had been transferred to him during the month of December from the files of the inferior tribunals, and could not of course have been in a sufficiently advanced state to admit of adjudication. That his performances in the miscellaneous department fall short of those, represented in the returns for 1842, must be attributed rather to a diminution in the quantity of work referred to him, than to any decrease of exertion; the business transacted by the Principal Sudder Ameen in this branch, consisting of the disposal of 235 cases under headings 1 to 14 by an order on the merits, in which are included 129 decrees fully enforced, besides various other matters under the remaining heading of the statements No. 2, is perhaps as much as could have been

effected, with reference to the reduced state of his file at the end of the period under Report. The Principal Sudder Ameen also disposed of 16 criminal trials referred to him by the Magistrate. In the minute left by Mr. Bacon, on his relinquishment of office, his opinion regarding the Judicial merits of this Officer is declared to be unaltered, and the favorable estimate, formed by the Court, of his judgment, which may be gathered from the 9th paragraph of their last Report, is again borne out by the result of appeals from his orders. Of 26 appeals heard by the Judge, the Principal Sudder Ameen's judgment was affirmed in 17, and underwent modification in 9, while of three regular appeals, which came before the Sudder Dewanny Adawlut, his orders met with confirmation in all.

14. The regular suits, tried and determined by the five Moonsiffs employed in the District of Seharunpore, amounted to 2262* in the year, giving an annual average of about 452 to each Officer, which must be regarded as creditable to their industry, when coupled with the fact of their having carried out 618 decrees to full, and 527 to partial, execution, and having disposed of various incidental questions arising in the course of execution, such as petitions of objections to orders passed in course of execution, and cases of resistance of process. It must be remarked, however, that during the past year the Court have had occasion, in revising at quarterly intervals the operations of the Moonsiffs in the miscellaneous department, to notice with reprehension the insufficient attention given by certain of these Officers to these important duties, and to warn them of the consequences of repeated disregard to the Court's injunctions, but, as the remissness imputed to them appears to have been corrected, and as the files at the end of the year are represented to be in an unencumbered condition, it is considered unnecessary to expose them to unenviable notoriety in this Report. Whether the regular or miscellaneous branch of the administration be regarded, the results will be found most favorable to Mr. Powell, the late Moonsiff of Seharunpore, who, retaining his position until the close of 1843, has recently retired from judicial employment on a well merited Pension,† and to the Moonsiff of Shamlee, whose diligence is not less remarkable, than is the accuracy of his judgment, indicated by the confirmation of his decision in 26 out of 36 Appeals tried by the Judge; Mr. Powell, however, until the period of his secession maintained the superiority, which has been on other occasions assigned to him in this respect, his order having been upheld in 25 out of 32 cases tried, while the termination of Appeals from the Courts of the three remaining Moonsiffs, though falling below this proportion, cannot be considered other, than indicative of careful investigation and deliberation, their original decisions having been interfered with in only 24, of 79 Appeals adjudicated. As regards the body of Moonsiffs, it is only further necessary to remark, that Syfoollah, the late Moonsiff of Deobund, whose advanced age and consequent incapacity were alluded to in the 8th paragraph of the Court's report for 1842, was replaced early in this year by Busheeroollah, who was compelled to resign his appointment of Sudder Ameen at Pillibheet, by reason of the uncongenial climate of that place, and was subsequently promoted to the higher ‡ grade, in consideration of his high character, and his, so to say, compulsory relinquishment of an Office, conferring upon the holder larger emoluments and a more elevated position than that of Moonsiff; this character he is said by Mr. Bacon to have maintained by rendering "satisfaction in the performances of the duties of his office."

* Of which decided.
Exparte 636
Confession of Judgment. 694
1330

† V. Mr. Secretary Hamilton's letter, No. 4258, dated 16th September, 1843.

‡ V. Mr. Secretary Hamilton's letter No. 1822, dated 12th April.
My letter No. 770 dated 22nd April.
Mr. Secretary Hamilton's letter in reply, No. 2470, dated 17th May, 1843.

15. Under the arrangement introduced at the beginning of last year, the civil administration of the Deyrah Doon tract has been conducted by the Officers named in the margin,§ for the periods denoted opposite to each, Mr. Vansittart during all the months of his incumbency, acting in the joint capacity of Principal Sudder Ameen and Moon-

§ Mr. F. Williams, from 1st to 8th January.
Captain H. M. Lawrence, from 9th to 29th January.

Mr. J. Brewster, from 30th to 31st January.
Mr. H. Vansittart, from 1st February to 31st December, 1843.

REGULAR SUITS PENDING.

	As Moonsiff.	*As P. S. Ameen.*	
* 1843	75 +	3 =	78
1842	47 +	14 =	61
		Increase,	17

† Confirmed, ... 4
Reversed or modified, .. 23

siff; the system perhaps has not been sufficiently long in operation to permit the formation of a conclusive opinion concerning the adequacy of the agency provided to the judicial wants of the jurisdiction, and therefore any inference, deduced from the increase of arrear depending at the end of 1843,* as compared with 1842, insignificant as that increase is, may be premature; at present, there is nothing to give a color to a supposition of the inefficiency of the establishment, but it will be the duty of the Court to maintain a careful watch over its operation, and, on the appearance of any necessity or manifest expediency, to bring the subject especially under the notice of Government. In palliation of the unfavorable impression, which the result† of Appeals tried from this Court is calculated to convey, the Judge, Mr. Lushington, remarks, that of the reversed cases, "18 were equivalent to 1 in the light, in which we are now regarding them."

16. In the concluding paragraphs of Mr. Lushington's Report various subjects of interest and importance are discussed, and among these the most momentous, whether the mere statistical fact, or the supposed prevalence of perjury and forgery, reasonably deducible from the Judge's premises as set forth in his 13th paragraph, be regarded, is the extraordinary preponderance of suits, brought for the recovery of debts on bond or otherwise, in the Civil Courts of Seharunpore, and the principles, on which these suits are, according to Mr. Lushington's representation, adjudicated: this peculiarity has not been overlooked, and enquiries, directed to the ascertainment of its origin, and the elicitation of more precise information on the subject generally, have been instituted, by the communication of the observations and orders conveyed in the 2nd and 3rd paragraphs of my letter, No. 768, dated 2nd May current, extracts from which are appended (B) for the information of Government: the result, if submitted prior to the completion of this report,‡ will be communicated, together with such remarks on the subject, as the Court may find it needful to record. Relatively to the remarks contained in the 12th paragraph of his report, Mr. Lushington has been informed, that the Principal Sudder Ameen deviated from established practice in addressing injunctions to the Ameen of Seharunpore for the attachment of property, in execution of decrees, not lying within the division assigned to him, and it has been pointed out, that one of the chief objects, contemplated by Clause 4, paragraph 4, of Circular Order, Sudder Dewanny Adawlut, quoted § marginally, was "to secure the prompt execution of miscellaneous duties formerly devolving on the Moonsiffs, but thereby delegated to a distinct class of functionaries, an object," it was added, "which must be entirely defeated by the practice" obtaining in the Principal Sudder Ameen's Court. The Court do not know, that it is obligatory upon them to take special notice in their Annual Report, of such remarks on general subjects, as the Zillah Judges may be pleased to record, but the 15th paragraph of Mr. Lushington's Report touches on a subject [the authority, namely, of the Appellate Courts, to receive new evidence, oral or documentary, in the trial of appeals,] the right understanding of which is so essential to the efficiency of the Judicial system, that the Court have thought proper to communicate particular instructions || thereupon, copy of which is appended (C) for the information of Government. Similarly, the question proposed in the 18th paragraph of the Judge's letter, has been disposed of by referring him to certain constructions (Nos. 935 and 1056) and a circular order of recent issue, (No. 312, dated 15th February, 1844) which prescribe rules for the distribution of assets, realized by sale, among several Decree-holders, when the proceeds may be insufficient to meet the demands of all the claimants.

‡ *Note.*—Up to the date of this Report, (13th July) no reply has been received from the Judge.

§ No. 197, dated 10th February, 1837, (Western Provinces).

|| Extract paragraph 5 of my letter, No. 768, dated 6th May, 1844.

17. During the past year, fourteen cases were tried by Mr. Bacon with the assistance of a Punchayut, convoked agreeably to Regulation VI. of 1832, and the failure on Mr. Lushington's part to resort to this agency (which is not undervalued by him) is ascribed to the fact of "no cases, in which he thought it necessary to call upon such persons, happening to come before him" since his assumption of charge.

MEERUT.

18. Mr. Begbie, the Judge of this District, being employed as Officiating Commissioner until the 6th February 1843, resumed his Judicial occupations on the same date, and, owing to the abolition of the Additional Judge's Office until then administered by Mr. J. S. Clarke, was charged during the ensuing portion of the year with Sessions and Criminal duties, in addition to the labors devolving upon him as Civil Judge. Notwithstanding this accession, however, the quantity of business disposed of by Mr. Begbie personally is larger, and the state of the files at the close of 1843, is more favorable, than that represented in the Court's last Report; although the number of suits, pending before all the Courts during the year, was larger by 98 than in 1842, a more than commensurate increase in the number of disposals is apparent, to the extent of 328,* and the suits depending at its close were less by 230. But the most remarkable improvement, and that which reflects the most credit on the Judicial Authorities of this District, is the very considerable reduction, which has been effected by their joint exertions in the list of regular suits, of longer standing than a twelve month, which required a decretal or final order when the period under review terminated; the cases of this description were confined to two appeals on the file of the Judge (both of which were disposed of early in March) three original suits on that of the Principal Sudder Ameen, and three on those of the Moonsiffs, exhibiting a result of last year's operations, which can be duly estimated only by advertence to the fact of 66 suits, of similarly protracted duration, having been depending on the files of the several tribunals at a corresponding period of the preceding year: the ameliorated condition, in this respect, of the miscellaneous work, which may be gathered from the marginal memorandum † is no less a subject of congratulation, especially when it is considered, that a large proportion of the old cases (3) appear in the Court of the Sudder Ameen, whose mental and physical infirmities sufficiently account for this unenviable distinction.

JUDGE.
Headings Nos. 1 to 14,.. 297
" " 15 to 17,.. 3173
3470

PRINCIPAL SUDDER AMEEN.
Headings Nos. 1 to 14,.. 878
" " 15 to 17,.. 0
878

* On trial, ... 97
Otherwise. 231
328

† Name of Court.	Pending upwards of a 12 month at close of 1842.	Pending upwards of a 12 month at close of 1843.	Decrease.
Judge,.....	19	3	16
Princl. Sudr. Ameen,	27	0	27
Sudder Ameen and Moonsiffs, ...	8	5	3
	54	8	46

19. During the year reviewed 142 days were occupied in civil duties, and 257 appeals were brought to decision in the Judge's Court,‡ besides orders being passed in 3470 miscellaneous cases of all descriptions: a better criterion of the activity and industry evinced, which it is the desire of the Court to notice with commendation, is afforded by the large proportion of both classes of cases, which were determined on trial, or after investigation of the merits, being 229 to the former, and 3315 § to the latter class, and by the discreet and careful supervision, maintained by Mr. Begbie over the acts of his subordinates, as indicated by the results exhibited in the returns under consideration. 99

‡ Mr. J. S. Clarke,.. 11
Mr. A. W. Begbie, 246
257

STATEMENT No. 2.
§ Headings 1 to 14,. 148
Headings 15 to 17,. 3167
3315

Days were engrossed by Sessions and Criminal duties. Two special appeals from this Court were heard by the Sudder Dewanny Adawlut, in one of which Mr. Begbie's judgment was modified, and in the other, preferred from a decision of Mr. Clarke, the case was sent back by remand. Mr. Begbie complains, with some shew of reason, in the 3rd paragraph of his Report, of the obstruction caused to the discharge of his legitimate functions, by the obligation of assisting at the examinations of Military Officers in the Native languages, and he expresses an apprehension, that the "inconvenience," at present felt, will be augmented by the operation of recent orders, which render a colloquial knowledge of the vernacular language an indispensable qualification in Military Officers; the Court, however, have pointed out to the Judge, that his apprehensions seem to be unfounded, inasmuch as the orders for the formation of Periodical Committees, [extract from which appears in the margin*] do not appear to contemplate the association of a Civil Servant with the military examiners, and that his general objections to the performance of a duty which is of great public utility, and, it is believed, of only annual recurrence, do not carry with them such weight, as to afford ground for an application to Government, having for its object the exemption of Civil Servants therefrom.

* *Extract from General Orders by the Commander in Chief, dated 20th April*, 1844.

"The Commander in Chief desirous of affording every facility to officers to pass their examination, directs that Committees be convened monthly at all stations where two passed Officers are available, as Examiners, the third, in the event of another qualified Officer not being present, being selected for his known colloquial knowledge of the language"—"For the examination of Assistant Surgeons, the Committee will be composed of two Officers who have passed an Examination, and a Medical Officer of experience and standing in the service."

20. The decisions on trial by the Principal Sudder Ameen, Nuwab Abdoollah Khan, amounted to 283 suits, 98 of which were original, and 185 appeals, which is perhaps as much as could have been effected, though numerically below the prescribed standard: he likewise passed orders on the merits of 249 miscellaneous cases under the first 14 headings of Statement No. 2, comprising the complete fulfilment of 164 decrees, in addition to the partial execution of 391 others, and the disposal of various matters in this branch, the determination of which calls for patient investigation, and the exercise of some deliberation. The anticipations, therefore, entertained by the Court, in concurrence with Mr. Begbie, as expressed in the 13th paragraph of their 1st Report, have been fully realized, the effects of the inquisition therein alluded to, and the efficacy of the monitory and animadversive observations, which it has been the duty of the Court, at occasional intervals to convey, on the subject of the Principal Sudder Ameen's inadequate regard to the miscellaneous duties, being perceptible in the increased activity evinced by that functionary, as regards the quantity of business disposed of, [which, if the comparison be restricted to cases decided on trial, is more than double of that brought to a termination in 1842,] not less than in the disappearance of cases depending upwards of a year, the number of which presented an unfavourable feature in the review last taken of his proceedings.

21. The Principal Sudder Ameen's judgment is fairly represented by the termination of appeals, both regular † and miscellaneous, from his decisions, the confirmations, in the former, by the Judge, bearing a proportion of 64 per cent to the whole number decided, while of 18 of the latter kind tried, his orders in 11 were upheld, and in 7 reversed. By the Sudder Dewanny Adawlut two special appeals from his awards were determined in opposition to his opinion. By the Sudder Ameen of Boolundshehur, whose impaired efficiency, the consequence of advanced age, has been before alluded to, 132 original suits, with a pending arrear of 91 at the end of the year, were decided, and 67 miscellaneous cases, involving the full enforcement of 55 decrees, were decided after trial on their merits; if the performances of this Officer in the adjudication of regular suits be pronounced to bear a fair proportion

† REGULAR APPEALS BY JUDGE.

Whole number tried.	*Confirmed.*	*Reversed or Modified.*
69	44	25

‡ Pending at the end of 1842, ... 46
Ditto Ditto, 1843, ... 111

§ My letter No. 468, dated 19th March, 1844.
Your reply No. 1497, dated 20th April, 1844.

to the demand on his exertions, the accumulation of arrear ‡ on the miscellaneous files might be regarded as discreditable, did not his "mental imbecility and corporal debility," certified by the Judge, and subsequently confirmed by his retirement on a pension, § require an indulgent estimation of his Official conduct; his removal from the control of the Court enables them to dispense with allusion to the various reproofs, which have been administered during the past year, as well as with the expression of censure in this place, which might, under other circumstances, have been imperatively needed; to the same causes may be ascribed the unfavorable opinion of the Sudder Ameen's Judicial fitness, deducible from interference having taken place with his orders in 8, out of 15 appeals decided by the Judge on trial.

22. In the Judge's estimation, the seven Moonsiffs of this district are entitled to credit for their labors in both branches of their duty, shewn by the adjudication of 2783 original suits * and the disposal of 3878 miscellaneous cases of all kinds, in which are comprised the execution, in full, of 864 decrees, and of 1346 others in part, by the diminution of arrear to the extent of 159 regular, and 24 miscellaneous cases, and by the reduced amount of business awaiting disposal at the end of 1843, which was instituted prior to its commencement: from this estimate the Court see no reason to dissent, but they remark, that though the proportion of regular suits decided exparte, and on confession of judgment, largely exceeds the average, it does not appear to have attracted the observation of the Judge, or to have elicited the explanation of its origin, which might have been desired and expected. Without alluding particularly to the failure of the Moonsiffs of Khutowlee and Burote to attain to the minimum † of expected decisions, a deficiency accounted for in the former instance, by the inadequacy of work instituted, and in the latter by circumstances, to which more particular advertence will be shortly made, the increased attention given by the Moonsiffs generally to the execution of Decrees, as proved by the marginal note ‡ may be noticed with praise, and may perhaps be in part ascribed to the frequent exhortations addressed, and occasional reproof administered by the revising Judge of the Court, on inspection of the quarterly statements from this District; the paucity of applications of this nature, which had been depending for upwards of a twelvemonth, has been already favorably remarked upon. The result denoted by the trial of 283§ Appeals from the regular decisions of the Moonsiffs, in 104 of which the original orders were interfered with, or about 37 per cent, though not remarkably favorable, indicates, as far as such a test can do, the exercise of greater deliberation and a sounder judgment, than was seemingly observed during the year 1842, when the number of orders reversed was nearly equal to those affirmed;—it is but just towards the Moonsiff of Khutowlee whose judicial character has been hitherto rather lightly estimated, to observe, that he has established a claim to more favorable notice, by the approval of his judgment in 40 out of 52 regular appeals determined, or about 77 per cent, and it may be added, that Shamachurn, the Moonsiff of Meerut, maintains his title to the character of superior ability, which has been attributed to him, by the fact of Appeals preferred bearing a proportion of only 8 per cent to his decisions, and of 70 per cent of those adjudicated having terminated in the affirmation of his order. The position, as 2d in the classified list, attained by Mr. Berkley is pronounced by the Judge to be "very creditable to his industry and judgment," and in this view the Court desire to express their concurrence.

* Of which decided.
Exparte, ... 1030
Ikbal Dava, ... 928
1958

† Moonsiff of Khutowlee decided on trial, ... 272
Moonsiff of Burote ditto ditto. 234

	Decrees fully executed.	*Partially executed.*
‡ 1842	723	1317
1843	864	1346
Difference in favor of the year under report.	141	29

§ By Judge, ... 185
By Principal Sudder Ameen, .. 98

23. Khajeh Humeedoodeen Ahmed, the inadequacy of whose performances has been above pointed out, exposed himself to the displeasure of the Court by the unauthorized abandonment of his official duties on account of alleged dangerous illness, for the treatment of which he proceeded to Delhie, without waiting for the permission of his immediate superior: his allegations were not altogether without foundation, but his representations regarding the state of his health were ascertained, on enquiry from the Medical Officer at Delhie, to have been exaggerated, and this fact, combined with his evasion of Mr. Begbie's order to procure a Certificate from the Civil Surgeon, and the relinquishment of his post without leave, was considered sufficiently discreditable to justify his subjection to loss of salary for the period of his absence.

24. With reference to the remarks contained in the 22nd paragraph of Mr. Begbie's Report, he has been informed, that the adjustment of fiscal boundaries, which in accordance with the resolution of Government, dated 30th October, 1837, must precede the definition of civil jurisdictions, has not yet been completed in Boolundshehur, and that his projected equalization of the latter, which is said to be "much wanted," must be held in abeyance for the present; as the measures advocated in the resolution have been recently reagitated, and their immediate execution urged by Government, there is reason to hope, that the Judge will shortly have an opportunity of giving effect to his intentions.

25. Mr. Begbie notices in his 26th paragraph, the extent to which the provisions of Act XII. of 1843 had been carried out by the uncovenanted Judges, and attaches blame to the Principal Sudder Ameen for attempting to defend his omission to record his decisions in his own handwriting, by saying that he did not understand such an observance to be contemplated by the Act, but the Court, though concurring with Mr. Begbie in his interpretation of the law, have remarked to him, that its terms are not unequivocal, and that, if some of the Native Judges have failed to attend to its requirements (as understood by the Judge,) and have attempted to justify their error by a different construction, they can hardly be censured; with a view, however, of definitively settling the question, which is most desirable, it has been thought necessary to invite the opinion of the Sudder Dewanny Adawlut in Calcutta thereupon.* As connected with the Judge's remark on this subject, are mentioned the absolute inability of Talib Alee Moonsiff of Boolundshehur to obey the injunctions of the Act cited, (as above read,) and his disingenuous conduct in declaring, that "it has always been his practice to write his own decrees," an assertion, falsified by an examination of the records of his Court, and by other tests applied by the Judge, who accordingly recommended his subjection to the ordeal of an examination before the Divisional Committee at its next convocation; on this point Mr. Begbie has been told, that the only proper object of an examination is the ascertainment of judicial fitness, and that, as unfitness in the present instance appears to be an undisputed fact, it might perhaps be more advisable to proceed in regard to this functionary, agreeably to the Rules enacted by Section 26, Regulation V. of 1831, than to resort to the measure which he advocates. Talib Alee is described as "notoriously illiterate and inefficient," and such a person, it is obvious, could have little chance of passing his examination, while the compulsory relinquishment of Office, which would follow his certain failure, might be held to give a penal character to the examination which it does not rightly possess.*

* *Note.*—Since these lines were penned, the Sudder Dewanny Adawlut for the Lower Provinces have expressed their concurrence in the view of the law, taken by this Court, and a Circular Order for general information is in course of issue.

* *Note.*—Talib Alee has been since dismissed by the Court in concurrence with the joint opinion of the Judge and Commissioner of Division; the latter urged upon the Court the acceptance of a resignation, tendered by Talib Alee, on hearing of the measures in progress, but the Court deemed it unadvisable, on many accounts, to accede to his recommendation.

26. The aid of the agency provided by Regulation VI. of 1832 was resorted to in the adjudication of only 5 suits relating to disputed accounts, and Mr. Begbie apprehends, that

it will be impossible to procure the assistance "of a sufficient number of qualified individuals, to introduce a more general application of the Law in this District."

ALLYGHUR.

27. During the past year, this District had the advantage of Mr. Tierney's superintendence, uninterrupted by change of incumbency or temporary absence, and the results exhibited in his Report dated 13th June, and the customary Statements, bear creditable testimony to his zeal and diligence, no less than to the successful exertions of the subordinate Judicial agency. A falling off of 176 in the number of decisions on trial is explained by a more than commensurate diminution in the aggregate number of suits before the Courts at the end of 1843, to the extent of 188, and this fact, as well as the reduction of arrear observable on the general file, absolves all the functionaries concerned from the imputation of insufficient industry, which might, under other circumstances, have been warranted by the less numerous decisions. The most remarkable improvement, however, as it is the most gratifying and praiseworthy, consists in the reduction, which has been effected in the number of cases, both regular and miscellaneous, which had been depending for upwards of a year when 1843 ended, as contrasted with the state of the files in this respect at the close of the antecedent annual period. On referring to paragraph 21 of the Civil Report for 1842, it will be found, that the long standing arrear at that time comprised 23 appeals before the Judge, and 9 original suits before the Principal Sudder Ameen and one Moonsiff, while in the miscellaneous department alone 37* cases, agreeably to the distribution given in the margin, awaited completion: when the period under Report came to a termination, the cases represented in the following memorandum, agreeably to the date of their primary institution, and the Court in which they were pending, composed the whole arrear of longer dependence than a twelvemonth.

Judge.	
Headings Nos. 1 to 14 ..	480
„ „ 15 to 17 ..	5995
	6475

Principal Sudder Ameen.	
Headings Nos. 1 to 14,..	849
„ „ 15 to 17,..	1043
	1892

* Before Judge, ... 12
Principal Sudder Ameen, 5
Moonsiffs, ... 20
37

		1839.	1841.	1842.
Original Suits.	Principal Sudder Ameen, ...	2	1	5 = 8
	Moonsiff of Atrowlee, ...	1 of 1837	„	1 = 2
				10
Appeals.	Principal Sudder Ameen....			1 = 1 = 11
Miscellaneous Cases.	Judge, headings 1 to 14, ...			2
	Heading 17, ...			2
	Principal Sudder Ameen, headings 1 to 14, ...			2
	Moonsiff, ...			0 — 6

† Principal Sudder Ameen, .. 3
Moonsiff of Atrowlee, ... 2
5

‡ Principal Sudder Ameen, .. 1

Of the above 11 regular cases, 5† were remanded for retrial and restoration to their original number on the file within the last quarter of 1843, and one‡ in July 1843, and the remainder, with one exception to be noticed presently, were found to have been retarded in their progress towards termination, by needless delays in their preparation, and, in one or two instances, by irregular injunctions and requisitions, requiring time for their completion, all of which were at the time pointed out to the Principal Sudder Ameen, together with such instructions for their correction, as seemed to be called for: as to the miscellaneous cases, likewise, a more narrow inspection of the information embodied in the Statements shews, that 3 had reference to the execution of Decrees of the Sudder Dewanny

Adawlut which is not unfrequently impeded by circumstances uncontrollable by the local authorities, and two of these, together with 2 under heading 17 of Statement No. 2 before the Judge, have been disposed of within this year, leaving one application for execution of Decree before the Principal Sudder Ameen, which, as remarked by the Judge of this Court, to whose revision the Statements were subjected, appeared to have been protracted by inaction of 6 months' duration. Neither in Mr. Tierney's report, nor in the Returns to which it relates, is any allusion made to "the old cases of execution of decree left unrecorded, and restored to the file under orders of 4th October 1839," and the Court are consequently unable to judge of the reduction in their number, which may have been accomplished during the past year.

28. The business, despatched by Mr. Tierney in the Judge's Court, comprised the decision, on trial, of 146 regular cases, all of which, save 1, were appeals, and the disposal, by an order passed on the merits, of 304 miscellaneous Petitions under the 14 important headings of Statement No. 2, besides a large quantity* of work under the remaining headings; in these were included various difficult matters, ordinarily requiring time and deliberation in their determination, agreeably to the subjoined detail.

* 5,884 orders passed under Headings 15, 16 and 17 of Statement No. 2.

Petitions for special appeal under Regulation XXVI. of 1814 and II. of 1825,	51
Petitions for summary appeal,	14
Petitions of appeal under Regulation VII. of 1825,	124
Petitions from Paupers,	27
Petitions from Insolvents,	16
Decrees completely executed,	13

It is to be observed, that, although there is a slight diminution in the number of regular decisions, as contrasted with 1842, yet the miscellaneous department has demanded and received a larger measure of attention, 142 more cases having been disposed of, there has been a considerable accession of labor in the Criminal department, which occupied 88 days (or 14 more than in 1842) and left only 134 available for Civil duties, and Mr. Tierney further urges in extenuation, the obligation imposed upon Judges by Act XII. of 1843, of recording their decisions and the reasons thereof in the English Language, as necessarily requiring more time, than the mere dictation of the arguments, pro and con, to a Ministerial Officer of his Court, as was the universal practice prior to the appearance of the above enactment: fully concurring in the sufficiency of these explanatory excuses, the Court observe, that their adduction was hardly needed, as but few old cases of any description encumbered the files of this Court, and the depending arrear in both departments was smaller at the end, than the beginning of 1843; the praise, moreover, which is due to the more active supervision, recently exercised by Mr. Tierney over the subordinate Courts, must not be withheld, for to it much of the activity and methodical regularity in the transaction of business, by which the reduction in the amount of arrears of prolonged duration has been accomplished, must be attributed, and on its maintenance the continuance of the favorable state of things, represented in the foregoing paragraph, will be dependent. The use of assessors under Regulation VI. of 1832 was restricted to 2 cases, "connected with Banker's accounts," which were decided in accordance with their opinion, the Judge accounting for infrequency of recourse to this agency by observing, that those, who are fitted by respectability, and educational advantages to serve in the said capacity, are unwilling to give their aid gratuitously, and that the motives of others, who volunteer their assistance, are reasonably distrusted, while, he adds, the litigants themselves "*never*" betray a desire for the association of their countrymen with the presiding Judge, in the trial and decision of their suits, by requesting the appointment of jurors or assessors. No Appeals from Mr. Tierney's orders came before the Sudder Dewanny Adawlut during the year under Report.

29. In paragraph 23 of the Civil Report for 1842, allusion is made to certain debts said to have been contracted by Zuhoor Alee, the Principal Sudder Ameen, at Allygurh, to

the expedient contemplated by him for their liquidation or transference, and to the considerations, that induced the Court to relax in his favor the stringency of the Rule, which discountenances the employment of Judicial Officers in a jurisdiction, to the inhabitants of which they may have become indebted; in pursuance of this determination, and agreeably to the recommendation of the Court, Zuhoor Alee was permitted to be† absent from his post during the Dussehrah Vacation, and for a period of six weeks in excess thereof, with the view of enabling him to effect the adjustment above alluded to, and Moolvee Mahomed Kurreem Koolee, 1st Moonsiff of Mynpooree, who had on former occasions officiated in the same capacity, and was the most eligible person near at hand, was appointed his temporary substitute, and reported his arrival at Allygurh on the 28th October. Since the commencement of the current year, the Court have had to regret the secession of Zuhoor Allee from the public service, consequent on the acceptance* of his resignation, and they think it due to one, who has served Government in various capacities for 29 years, to place on record their high sense of Zuhoor Alee's remarkable uprightness of conduct, of his zealous industry, and of the unsullied reputation for integrity, which he has been uniformly admitted, both by the native community subject to his authority, and by his Official superiors, to possess; it has been the endeavor of the Court, further to mark their appreciation of qualities so essential to a Judicial Officer, by presenting to him, through the intervention of the Judge, an honorary Perwannah, descriptive of his faithful and prolonged service, and expressive of the opinion, which they entertain of his unimpeached integrity, and his Official merits, a distinction, which it is proposed to continue the conferment of, in future instances of a similar nature, subject to the approval of the Government. Notwithstanding a falling off in the number of decisions in the regular suits, ascribable partly to the interruptions above noticed, and partly to an accumulation of work in the miscellaneous department, a creditable amount of business has been brought to a termination by the two Officers, who presided† in this Court during the year 1843; it consisted in the decision on trial of 273 regular suits, 155 being original, and 118 appeals from the Moonsiffs Courts, and the disposal, after investigation of the merits of 329 cases under headings 4, 7, 10, 11, 12, and 13 of Statement No. 2, and 2038 matters under the remaining headings; in the above is included the complete execution of 125 Decrees, in addition to the partial enforcement of 191 others, and in the marginal‡ memorandum is exhibited the share taken by each in the labours of the past year. The aid of the Principal Sudder Ameen was not required in Criminal duties. From the decisions of Zuhoor Alee 57 regular, and 8 Special Appeals were tried by the Judge, and terminated in the confirmation of the original judgment in 29 of the former, and in 2 only of the latter, the decision of the Moonsiff being upheld, in opposition to the Principal Sudder Ameen's opinion in 3 of the remainder; results, which are hardly reconcileable with the estimate entertained by Mr. Tierney, of "the soundness of his judgment" unless, indeed, it be argued, that the proportion of Appeals, preferred from his orders, (14 per cent) is such as to counteract the unfavorable inference deducible from the foregoing statement.—3 Regular Appeals were tried by the Sudder Dewanny Adawlut from Zuhoor Alee's Court, in 10 of which the Principal Sudder Ameen's order was confirmed, in one reversed, and the third was adjusted. Moulvee Mahomed Kureem Koolee's competent knowledge of his duties and the industry evinced by him during the period of his temporary incumbency, are mentioned by the Judge in terms of commendation, the justness of which, it is hoped, he may vindicate, in the new sphere of action, to which he has been recently transferred in the grade of Sudder Ameen.

† My letter No. 1804, dated 14th September, Mr. Secretary Hamilton's reply No. 4654, dated 12th October, 1843.

* My letter No. 336 dated 21st February, 1844.
Your reply No. 969 dated 16th March, 1844.

† Zuhoor Alee from beginning of year, to 20th September.
Kurreem Koolee from 20th October, to 11th December.
Zuhoor Alee from 11th December to the close of year.

‡

	Regular suits.	Miscellaneous cases.	
		Headings. 1 to 14	Headings. 15 to 17
Zuhoor Alee, ..	245	293	945
Kureem Koolee,	28	36	93

30. With advertence to the anticipated necessity of auxiliary agency in the jurisdiction of the Allygurh Court, the Court suggested to the Judge of this District, early in the present year, the possibility of obviating undue accumulation of business in the tribunals of the higher grade, by equalizing the jurisdictions of the Allygurh and Agra Courts, or by introducing such modifications, as might effectuate approximation to such equality, and it was added, that the desired object might, perhaps, be attained by the transferrence of the Moonsiffees of Ryah and Juleisur, to the Civil Jurisdiction of the Agra Judgeship, of which, in the department of Criminal Justice, the tracts in question, comprised within the District of Muttra, are dependent portions: the specific propositions on this subject submitted by Mr. Tierney, in accordance with the views above stated, and calculated in the judgment of the Court to remove the objections, which have been urged against the present constitution of those two adjacent jurisdictions, have been held in abeyance, pending the fulfilment of the instructions conveyed in your letter, No. 974, dated 16th March last, and promulgated, together with such direction and comment, as the Court deemed requisite, in a Circular Order, No. 853, dated 14th May, and published in the Agra Government Gazette of 4th June last; there is little doubt, however, that, in carrying out the general scheme, the execution of which is ordered, the same arrangements, so far modified as to meet the wishes of Government, will be revived, and the superfluity of business, instituted in the higher tribunals of this District, which has occasionally given rise to fears of inconvenient accumulation of arrear, will cease to have existence. Before denoting the quantity of business, disposed of by the 7 Moonsiffs of this District, it appears advisable to state, that in the Moonsiffees of Atrowlee, Hatrass, and Juleisur, changes of incumbency have occurred, by the retirement of Kunhya Lall, unfavourably mentioned in the 24th paragraph of the Court's last report, from the former Court, in September 1843, and by the expediency of deputing to Hatrass "the most difficult jurisdiction in the zillah" an Officer of experience, Ghoolam Ghous, formerly of Juleisur, in preference to the appointment of a functionary, deficient in the practical judicial knowledge, required to compete with "a litigious, money-making community." By those Officers, collectively, 2415 suits were determined on trial, of which 532 were decreed exparte, and 1214 on confession of judgment, yielding an average of 345 to each Officer, and the details contained in the statements shewing, that all, save the Moonsiff of Atrowlee, exceeded the prescribed standard, and in his case, the origin of the deficiency is apparent in the small amount of arrear, remaining for disposal at the end of the year, which comprised only 57 cases. They have likewise displayed laudable industry, in the other branch of their business, having passed orders on the merits of 3132 miscellaneous cases, including the complete or partial execution of 1564 Decrees, in the proportion of 778 to the former, and 786 to the latter category, and having succeeded in exhibiting, at the end of the period under notice, files free from the incumbrance of cases, instituted prior to its commencement. The ordinary arrear in both departments was such, as to prove the numerical adequacy of the subordinate Judicial establishments to the demands upon its energies.

31. From the Appeal Statement, so far as it may be received as a criterion, no conclusions favourable to the legal acquirements, official aptitude, and soundness of judgment, possessed by the Moonsiffs collectively, can be deduced; of 198 appeals tried and adjudicated* by the Judge and Principal Sudder Ameen, the decisions of the Courts of first instance were reversed or modified in as many as 105, or more than half; the result is not creditable to any of the Officers concerned, but it is less unfavorable to Mobarizoodeen, the Moonsiff of Khyr, than any other of the present incumbents, 15 of his orders having been confirmed out of 21 contested in appeal, and of this Officer, the merits have been recently acknowledged † by his proposed advancement to the higher grade of Officers of his denomination, established by the orders of Government,

	Tried.	*Confirmed.*	*Reversed or Modified.*
* By Judge, ...	80	44	36
By Prinl. Sudr. Ameen, ...	118	49	69
	198	93	105

† My letter, No. 1172, dated 2nd July, 1844.

dated 2nd October, 1837. Of the 7 Moonsiffs attached to this jurisdiction, two, Mahomed Hussun Khan, of Khasgunge, and Boozoorg Alee, have hitherto received the higher rate of salary, and of these, the former has received the recompense of his past services, by promotion to the Office of Sudder Ameen of Moradabad, and the latter has been permitted to resign his appointment, having creditably performed the duties of his Station during the 11 years of his employment, and acquired a character for high integrity of conduct, and "uncommon ability," which has been held to entitle him to the honorary distinction of a certificate from the Court, in acknowledgment of his merits; it is perhaps, worth while to mention, that he enjoys the singular honor of being a member of the Royal Asiatic Society. Of the rest no prominent mention is needed; they are all described to have given satisfaction, and to possess the qualifications indispensable to judicial efficiency, and the newly inducted functionaries, Zeeaooddeen of Atrowlee, and Yoosuf Shah of Julleisur, are said to be industrious, and painstaking in the investigation of their cases, although the termination of appeals from their decisions demonstrates, the Judge remarks, that more prolonged experience is required to mature their judgment. Ghoolam Ghous, the Moonsiff of Hatrass, who has been suspended from office during two months of this year, pending the investigation of charges of "corruption, and irregularity of proceeding," preferred against him, has, the Court are glad to observe, been exonerated, after a "searching and protracted" enquiry, and the sinister motives of the accuser, or his instigators, have been revealed; it is matter for regret, that the precautions, enjoined by Circular Order, Sudder Dewanny Adawlut, No. 1878, dated 28th September, 1843, should not have been observed, or that, if they have been attended to, Mr. Tierney should have omitted to state the fact in his Report.

32. That of the 2415 suits decided on trial by the body of Moonsiffs, as many as 1746 should have been decreed exparte, or on confession of Judgment, cannot fail to attract attention, and the unusually large proportion might have elicited more careful research and more particular notice, than Mr. Tierney has thought fit to bestow upon it; leaving the solution of the latter difficulty to the discernment of the Court, the Judge has, in his 27th paragraph, observed in regard to the exparte decisions, that the proceedings of cases brought under his examination in appeal, have rarely brought to light instances of carelessness or illegality in the issue of processes prescribed by Law, and that ignorance of the prosecution, has been seldom set up as a defensive plea in appeal: one irregularity has been suggested to Mr. Tierney, by a recent Circular Order,* and he has taken the necessary steps for its correction.

* No. 745, dated 2nd May, 1844.

33. In the 37th paragraph of his Report, Mr. Tierney adverts to the insufficient accommodation afforded by the Kutcherree at Allygurh, as a depository of the records, and a Court house for the Judge and Principal Sudder Ameen, and indicates the additions and alterations, which are required to remedy existing inconveniences: on reference to the plan submitted, it appears to the Court, that the building in its present form is too confined to afford adequate room both for the Judge and Principal Sudder Ameen, and that its defectiveness of construction and want of space must defy all efforts, made towards a systematic arrangement of the records, notwithstanding the sanction† recently accorded to Mr. Tierney's proposal for the destruction of old, and useless papers, up to the 1st January 1831; it will, however, be pointed out to the Judge, that the inclusion of matters of this description in his Annual Report is misplaced, and that, if he think fit to submit a separate and specific proposition on the subject, such support, as it may derive from the recommendation of the Court in its favor, will not be withheld. As regards the enumeration, and adjustment of the records of this Judgeship, mentioned in paragraph 4 of my letter, No. 1542‡ dated 15th August 1843, Extract (Para.‡ 4) from Mr. Tierney's address on the subject, dated 22d November last, is appended, (D)

† My letter No. 2247, dated 27th December, 1843. Your reply No. 323, dated 24th January, 1844.

‡ See Appendix (C) of Civil Report for 1842.

with the view of showing the progress that has been made, and the work that remains to be done in this department; although the system, adopted by Mr. Tierney, differs from that devised by Mr. Harington, it is represented to be practically efficient in obviating delay in the production of papers required, and need not, therefore, be interfered with, but the substitution of the latter plan of arrangement, as regards records which may be created henceforward, will be recommended to the Judge's attention, as possibly susceptible of being carried out without the aid of extra establishments. Proper measures have been taken for the amendment of other defects, and irregularities, denoted in my letter above referred to.

34. The exception among the cases of old standing, alluded to in the opening paragraph of this Section of the Report, has reference to a suit, in which it was found necessary to serve process on parties, residing within the jurisdiction of the Supreme Court at Bombay, agreeably to the provisions of Act XXIII. of 1840; the attestation, on oath, of the Judge's signature, insisted upon by the Judges of the Supreme Court, has been, on the present occasion, accomplished by chance, but, in the majority of instances, such attestation and as a matter of course, the serving of process under the Law cited, will be impracticable; the necessity for such applications is happily of infrequent occurrence, but it may be questioned, whether it might not be advisable so far to relax the stringency of the Act, as to allow the execution of process, without the authenticity of the signature attached thereto, being deposed to on oath: the subject is mentioned in the 38th paragraph of Mr. Tierney's Report, and the form of attestation followed in the Supreme Court at Bombay, is there given.

35. From the 39th paragraph, to the end of his Report, Mr. Tierney has discussed, in copious detail, a question relating to the execution of Decrees in appealed cases, to which the Court cannot attach the same character of importance that the Judge does; there can be no doubt that the view of the Law advocated by the Judge is correct, and that by Section 12 Regulation XIII. of 1808, quoted marginally,* an appellant, in suits for money and other moveable property is empowered to stay execution of a Decree, pending its revision in appeal, provided that he give the required security; in the case of his inability, or unwillingness to assert this privilege, the respondent may be permitted, after giving such security as shall suffice to indemnify the appellant in the event of the original Decree being reversed in his favor, to sue out execution according to the established course, and the Court are not disposed to concur with Mr. Tierney in thinking a practice, opposed to this legal injunction, to be of general prevalence. As regards the irremediable hardship and injury, represented by Mr. Tierney to result from the enforcement of a Decree during the dependence of appeal, even after fulfilment of the above conditions by the Respondent, the Court are unable to discern it, and have observed to the Judge, that, if an appellant possess property to satisfy the decree against him, he must be supposed able to provide security required to stay its execution, and that, if having the ability, and permitted, as he must always be, the option, he fail to avail himself of it, he must abide by the consequences of his own conduct. Further, it appears to the Court, that the occasions will be rare, on which the Judge would find it difficult to take up the particular appeal out of its proper order in rotation: this is not prohibited by law, and, if there be primâ facie grounds for supposing the judgment of the Court of first instance, unjust, or illegal, other business, though of an important and pressing nature, should be made to yield to the superior emergency of the occasion. Even if the injustice of the present Laws were, as represented by Mr. Tierney, such as to warrant or demand its modification, the remedy proposed by that gentleman in the 47th paragraph of his letter, would, in the

* REGULATION XIII. OF 1808.

§ XII. First.—The provisions contained in the preceding Section not being applicable to the execution of Decrees for money or other moveable property, such decrees shall be stayed or enforced in cases of appeal, according to the rules now established, with the following addition thereto.

Second—The security to be given by appellants for staying the execution of decrees appealed from, in cases of money or other moveable property or by respondents, when such decrees are carried into execution during an appeal, shall be sufficient, in addition to the amount or value adjudged, to cover the interest that may be expected to arise upon the amount payable under the decree, if confirmed in appeal according to the provision for adjudging interest in such cases, made by Section III. Regulation XIII. 1796 and Section 35 Regulation IV. 1803.

opinion of the Court, be found impracticable; or would, at any rate, lead to endless litigation, and embarrass the operations of the Courts of Justice.

36. The comparative Statement included in Paragaph 14, shews that the costs of the Moonsiffee Establishment in this District, are fully counterbalanced by the revenue realized from the sale of Stamp paper, and it is matter for the determination of Government, on a balance of the general account for the North Western Provinces, whether the surplus might not be equitably appropriated to increasing the allowance, at present made to the Moonsiffs, for the maintenance of their ministerial establishments.

MORADABAD.

37. Notwithstanding the apprehensions expressed in the 28th paragraph of the Civil Report for 1842, the Court are gratified by being able to state, that no undue accumulation of work in the higher tribunals, has supervened, and that, judged by the past, the administration may be expected to continue successful and creditable. From the 1st January to the 24th February, Mr. W. H. Benson retained his former situation as Judge; during the remainder of the year, Mr. Macsween presided over the Civil administration of this District, the business of which is shewn by the returns, to be on the increase, the number of suits brought on the file in 1843, having been upwards of 400, and the number before the Courts, nearly 300, in excess of the year preceding; while, at the same time, the constituted Judicial Establishment, consisting of a Judge and Principal Sudder Ameen, two Sudder Ameens, one of whom also possesses the powers of Moonsiff, and 10 Moonsiffs, appear to have been equal to the task of meeting this increase, without leaving any heavy arrears, as the decisions on trial were, likewise, more numerous, by 550, and the number of cases remaining for future disposal, smaller by 52, than at the end of 1842. In this, as in other Districts, one favorable feature in the administration of the year under Report, is the considerable reduction, effected in the arrear of longer standing than a twelvemonth, which, in the regular department, comprised only the following cases.

JUDGE.

Headings Nos. 1 to 14	462
„ „ 15 to 17	3,853
	4,315

PRINCIPAL SUDDER AMEEN.

Headings Nos. 1 to 14	408
„ „ 15 to 17	637
	1045

		1841.		
Original suits.	Sudder Ameen of Bijnore	2		2
	Moonsiff of Environs	1 of 1840		1
				3

	1841.	1842.	
Appeals. Judge	1	11	12=15

All the original suits had been remanded for reinvestigation and retrial within the last quarter of 1843, while of the appeals, one was adjudicated early in the present year, and the remaining eleven were ready for decision in all respects, and only awaited the leisure of the Judge from the pressure of other important avocations; this arrear was, therefore, so to say, nominal, and contrasts advantageously with the state of the files at the close of 1842, when 47 regular cases, instituted on dates anterior thereto, were pending. In the miscellaneous branch, there were but few matters, which had been before the Courts for a longer period than a twelvemonth; 4 Petitions of appeal under Regulation VII. of 1825, on the file of the Judge, and one application for execution of Decree on that of the Sudder Ameen of Moradabad, composed the whole arrear of this description, and if it must be admitted, that the protracted dependence of the former is objectionable and usually uncalled for, the praise, which is due to Mr. Macsween and his coadjutors for their personal exertions, as well as for the general improvement, which has been effected thereby, must not be withheld. The improvement in the state of the general file is too marked to need further comment.

38. When 1842 ended 659 appeals were pending on the Judge's file, and during the past year, 678 were instituted, constituting an amount of work, which might reasonably give rise to apprehensions of arrear, and doubts of the adequacy of the strength of the Judicial Establishments in the higher grades, and which, had the ordinary rate of decisions not been largely exceeded, and very efficient aid derived from the Principal Sudder Ameen, Tusuddook Hossein Khan, would have set defiance to the endeavors of the existing agency for its reduction. As above mentioned, Mr. W. H. Benson was succeeded by the present incumbent, Mr. Macsween, on the 25th February, and by these Officers in the Judges' Court, exercising exclusively appellate functions, 265* regular suits were brought to decision after trial, while the arrear at the close of the period under report, amounted to 166 cases only; if to this be added the investigation and determination, by an order on the merits, of 349* miscellaneous cases, under the 14 important headings of Statement No 2, including among others, 29 Petitions for review of judgment, 145 Petitions for special appeal, 34 Petitions for summary appeal, and 81 Petitions of appeal under Regulation VII. of 1825, besides the disposal of 3852 matters under the remaining headings of the same statement, it will be admitted, that Mr. Macsween's exertions have not been wanting to contribute to the ameliorated aspect of business, which the present Returns represent. Sessions and Criminal duties also occupied 89 days, or 10 more than in 1842, when 79 were so engrossed. Only one case was tried with the assistance of a Jury, and decided in favor of the Plaintiff, agreeably to their verdict, but Mr. Macsween, in a supplementary Report called for by the Court, acknowledging the utility of this agency, considers, that the difficulty opposed to its more general introduction, by the aversion of respectable people to sit as Jurors, may be overcome, and the extension of the system effected. The Court have had no opportunity of estimating the quality of Mr. Macsween's decisions; 2 special appeals heard by them from this Court, having been brought to contest the orders of his Predecessor, Mr. Benson, which were, in one instance upheld, and in the other, the case was sent back by remand.

	Regular Suits.	Miscellaneous Cases.	
		Headings. 1 to 14	Headings. 15 to 17
* Mr. W. H. Benson,	15	26	333*
Mr. Macsween, ...	250	323	3519

39. Although the ability of Tusuddook Hossein Khan, the Principal Sudder Ameen, has been repeatedly acknowledged, doubts have been thrown, in former Reports, on "the correctness and efficiency" of his proceedings, and in the 94th paragraph of the last report, an expectation was expressed, that his transfer to the heavy jurisdiction of Moradabad might have "a beneficial effect, towards the correction of defects, that had been noticed," and that the operations of 1843, when reported, might afford means of judging, how far this result had followed his transfer. The Court, with these returns now before them, are hardly prepared to express any definite opinion, in regard to his judicial qualifications and management, although, of his zeal and diligence, a favorable impression is derived from the following epitome of the Statements, in which the business transacted by him is exhibited. During the past year, 876 appeals were transferred to his file: he decided on trial, the large number of 818 regular suits, of which 46 were original and 772 were appeals, yielding the unusual average of 68 monthly decisions; in the miscellaneous department his activity is hardly less remarkable, 861 cases, of which 224 relate to the first 14 headings of Statement No. 2, and comprise the complete execution of 147 decrees, having been determined by orders on the merits, and 15 miscellaneous cases only remaining for future disposal, at the close of the year. In periodically revising the Statements from this District, the Court took occasion to remark on the Principal Sudder Ameen's rapidity of decision, and to warn the Judge to be careful, that he "did not sacrifice patient investigation, and deliberate judgment to celerity of decision," and on a subsequent review, observing the same extraordinary measure of work to have been disposed of, the Court requested the Judge to enquire, and report, "whether any particular circumstances, such as the determination of many appeals being dependent on the decision of one, and the same point, had contributed to this result." In

replying to this requisition, the Judge reported that no such contingency, as that conjectured by the Court, had occurred, that "the creditable industry" of the Principal Sudder Ameen alone was the cause of the result noticed, and, that he believed all the cases to be, "generally, well investigated and decided." In his Annual Report, Mr. Macsween has repeated this opinion, characterizing the Principal Sudder Ameen's conduct as "very meritorious," and expressing his "belief," that his work has been "very good." These opinions the Court are not in a position either to confirm or controvert, and for the following reasons; there are, besides the Zillah Judge's Report, only two sources from which conclusions regarding the procedure, practice and judicial ability of the subordinate Judges, can be derived, the examination, namely, of their proceedings in cases brought up before them in regular or special appeal, and the periodical revision of the recital of steps taken to prepare cases, of longer standing than one year, for adjudication, which are recorded in the quarterly Statements, agreeably to the Circular Order of this Court, dated 18th March, 1842. As regards the first named criterion, I am desired to state, that, only 3 appeals, two regular and one special, were heard by the Sudder Dewanny Adawlut from Tusuddook Hossein Khan's decisions, and that, although the remand of all favors the presumption, that his investigations are incomplete, and his orders passed without due deliberation, yet on the review of so small a proportion of his work, the Court are unwilling to commit themselves to any express opinion; the only other source of information has been wanting during the past year, no cases of longer standing than a twelvemonth having appeared on the Principal Sudder Ameen's files at the quarterly periods, when the Statements are subjected to close inspection and revision. The sentiments, therefore, expressed by Mr. Macsween relative to Syud Tusuddook Hossein, the Principal Sudder Ameen, as embodied in his Report, and noted above, must be allowed to have their due weight, only qualified by the result of 94* appeals, adjudicated by the Judge, 51 of which terminated in the affirmation of the original judgment, and the remainder, 43, in its reversal or modification, a result, it must be added, that is not very easily reconcileable with the "very good" quality of the Principal Sudder Ameen's "work."

	Confirmed.	*Reversed or Modified.*
* Regular, 14 ..	9 ..	5
Special, 80 ..	42 ..	38
94	51	43

40. Of the two Sudder Ameens, located at Moradabad and Bijnore, and subject to this judgeship, the latter is principally employed in the trial and decision of suits cognizable by Moonsiffs, and of Criminal cases, of which 88 met with disposal at his hands. Their decisions on trial amounted to 242† original suits, and the disposal, after investigation of the merits, of 284‡ miscellaneous cases, in which are included the full enforcement of 176§ decrees. Uhmud Hossein Khan has displayed creditable industry, and in the quality of his decisions a marked improvement is observable, as contrasted with that represented in the Appeal Statement for 1842, his judgment having been permitted to stand unaltered in 73 out of 99‖ appeals decided by the Judge and Principal Sudder Ameen during the past year, or in the proportion of nearly 74 per cent. to the whole number tried; he is said by the Judge to merit promotion, which has lately been conferred¶ upon him by his appointment to be Principal Sudder Ameen of Goruckpore. Of 19 decisions passed by Pundit Dyaram as Sudder Ameen, which were revised in appeal, 13 were upheld and 6 reversed or modified by the Principal Sudder Ameen, the per centage of the latter being only 31½; this denotes careful enquiry and correctness of judgment.

† Uhmud Hossein Khan of Moradabad, 227
Pundit Dyaram, Bijnore, ... 15
242

‡ Uhmud Hossein Khan, ... 266
Dyaram, ... 18
284

§ Uhmud Hossein Khan, ... 164
Dyaram, ... 12
176

	Tried.	*Confirmed.*	*Reversed.*
‖ By Judge, ...	17	16	1
By P. S. Ameen,	82	57	25
	99	73	26

¶ My letter, No. 1086, dated 11th June, 1844.
Your reply, No. 2431, dated 28th Idem.

41. The quantity of Civil business, regular and miscellaneous, disposed of after investigation in the 11 Moonsiff's Courts (Bijnore inclusive) is considered satisfactory, exceeding by a good deal the minimum rate fixed; these functionaries decided on trial 3480* regular suits, on a yearly average of 316 to each officer, and passed orders on the merits of 2053 miscellaneous cases of all descriptions, in which is comprised the enforcement in full of 1420 decrees, besides the partial execution of 360 others; while in the one department, the Moonsiffs of Saheswan, Islamnuggur and Bhojepore only have fallen short of the prescribed (300) standard of decisions, and that from no want of proper diligence, but from the comparative lightness of their files, the increased demands on the energies of these functionaries in the other, the miscellaneous branch, seems to have been successfully competed with, for 417 more decrees were executed in 1843, than in the antecedent year, and at its close the arrear was larger by only 81 cases. It may have been from a supposed insufficiency of work in the Moonsiffees of Islamnugger, and Bhojepore, that Mr. Macsween was induced about the middle of the past year to suggest the abolition of these Courts, and the division of the former jurisdiction between that of Chundowsee, and Saheswan and Sumbhul, and the transference of the business instituted in the latter to the Moonsiff of the environs; the proposal was pronounced to be premature, with reference to the provisions of Act VI. of 1843, and the large increment of work, which would probably devolve on the inferior Courts, when those provisions should become generally known, and be brought into full operation, and the Court, from an inspection of the Statements before them, have abundant reason to congratulate themselves upon this cautious procedure, for the number of depending cases on the files of those* Courts, to which it was proposed to transfer the cases, originating in the Moonsiffees of Islamnuggur and Bhojepore, is such as to leave little doubt, that the suits instituted in the said Courts are sufficiently numerous to give the officers presiding over them adequate employment, without the proposed addition to their labors.

* Of which decided exparte, 1103
,, Ikbal Dawa, 766
1869

Pending at end of 1843.	
* Chundowsee,	154
Saheswan,	160
Sumbhul,	176
Environs of Moradabad,	258

42. As respects the judicial qualifications of the Moonsiffs, the marginal extract* from the appeal statement gives an unfavorable impression, 342, or about 42 per cent, having terminated in the reversal of the original judgment, out of 817 brought to decision by the Judge and Principal Sudder Ameen; from this, however, Sadoollah Khan and Muddun Mohun the Moonsiffs of Amroha, and Saheswan must be excepted, the decisions of the former having been upheld in 44† of 65 Appeals adjudicated, and of the latter in 37‡ of 55 tried: the judgment of Mahomed Noor, also, Moonsiff of Nuggeenah, is favorably represented by the affirmation of his decision in 42 out 65 Appeals brought to a hearing during the past year, while of Seraj Hossein, the Moonsiff of Islamnuggur, the judicial ability appears doubtful, 60 appeals from his Court having been tried, and his decisions having met either with reversal or modification

† 67 Per cent.
‡ 68 Per cent.

* Moonsiffs.	Total decided.	By the Judge.		By the P. S. Ameen.		Total.	
		Confirmed.	Reversed.	Confirmed.	Reversed.	Confirmed.	Reversed.
Surrub Sookh Rae, Dyaram, Bijnore,	15	0	2	9	4	9	6
	79	15	0	30	34	45	34
Sadoollah Khan, Amroha,	65	14	2	30	19	44	21
Mahomed Noor, Nugeenah,	65	13	1	29	22	42	23
Moizoollah Khan, Dhampore,	62	8	0	27	27	35	27
Mohumud Kasim, Chundowsee,	96	19	1	35	41	54	42
Tujjummool Hosein, Sumbhul,	76	14	0	32	30	46	30
Mudden Mohun, Saheswan,	55	10	0	27	18	37	18
Mashooq Ali Khan, Environs of Moradabad.	97	14	3	42	38	56	41
Mohomed Buksh, City of Moradabad,	85	22	1	25	37	47	38
Seraj Hussun, Islamnuggur,	58	6	1	22	29	28	30
Uzmutoollah Khan, Bhojepore,	64	6	1	26	31	32	32
	817	141	12	334	330	475	342

in 32 of that number. It is hardly admissible, however, to found any opinions as to the judicial merits and qualifications of these officers on the Appeal Statement, for a curious contrast is observable between the issue of Appeals decided by the Principal Sudder Ameen, and the result of those adjudicated by the Judge, which Mr. Macsween has neither noticed nor attempted to explain. Of the 817 Appeals from the decisions of the Moonsiffs, which came to a hearing during the past year, 153 were determined by the Judge, and 664 by Syud Tusuddook Hosein Khan, the Principal Sudder Ameen; in the Judge's Court, 141, or 92 per cent, terminated in the confirmation of the original decree, while in the Principal Sudder Ameen's Court, the number reversed (330) nearly equalled that upheld (334); this contrariety of result deprives the Appeal Statement, in this particular instance, of all value, as an indication of the care, ability and acquirements of those, whose proceedings have undergone revision in appeal, and is not an inapt illustration of the uncertainty of this criterion at all times and under all circumstances.

43. It seems desirable, that some arrangement should be made for the transference of Tal: Chandee, annexed under Regulation XXI. of 1825, to the Hill Province of Kumaon, to the Civil jurisdiction of Moradabad; this formed the subject of correspondence,* during the past year, but hitherto the point would not appear to have been determined, probably owing to the delay experienced in getting the legislative enactment, which has been declared indispensable to give legal validity to future judicial proceedings, passed.

* Mr Secretary Hamilton's letter, No. 2818, dated 31st December, 1842.
My Predecessor's reply, No. 65 dated 12th January, 1843.
My letter, No. 1459, dated 3d August, 1843.
Mr. Secretary Hamilton's reply, No. 4307, dated 21st Septr. 1843.
My reply, No. 1914, dated 30th Octr. 1843.

BAREILLY.

44. In the 36th paragraph of the Courts report for 1842, a passing allusion is made to the assistance, accorded† to Mr. Cowell the Judge, in the Civil Administration of this district, by the definitive assignment to the superintendence and charge of Mr. Pidcock, the additional judge, of the Moonsiffees located in the Districts of Shahjehanpore and Budaon; this arrangement, however, had effect for too limited a period to admit of any opinion being formed of its efficiency, Mr. Pidcock having been shortly after removed to the District of Goruckpore, and having relinquished his separate charge on the 3rd October, in progress to join his new appointment. Recently, the Judicial Establishments of this extensive jurisdiction have undergone further alteration in the retirement of Mr. Cowell on a pension, announced to the Court in your letter, No. 784, dated 27th February last, and in the appointment of Messrs. Lean and C. W. Fagan, to officiate as Judge, and Additional Judge respectively, the question‡ of creating a third Judgeship in the Rohilkund Division being held in abeyance, until means may be afforded of estimating the result of this temporary experiment.

† My letter, No. 715, dated 10th April, 1843.
Reply from Government No. 2144, dated 28th Idem.

JUDGE,	
Headings, Nos. 1 to 14, ..	851
,, ,, 15 to 17, ..	3294
	4145

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14, ..	384
,, ,, 15 to 17, ..	1520
	1904

‡ Your letter, No. 1235, dated 3rd April last.

45. A small decrease in the amount of Civil business§ before all the Courts, will account for the decisions in regular suits having been less by 152, during the year under report, than in that, which preceded it, while the accession of arrear apparent, is insignificant, and is palliated by the reduction, effected in the number of suits of longer standing than the year 1843, which awaited determination at its close; these consisted of three original cases before the Sudder Ameen, and one before the Moonsiff

	Suits before the Courts.	*Decided on trial.*
§ In 1842	8169	4271
In 1843	8000	4119
	169	152

of Bareilly; and, in the miscellaneous department, of one case under Heading 13 of Statement No. 2 on the Judge's file, one application for execution of Decree on that of the Principal Sudder Ameen, and ten of the same nature before the Moonsiffs, six of which were pending in the Shahjehanpore Court; the Moonsiff of that jurisdiction, Moolvee Ghoolam Yuhya, towards the end of last year, retired* from the public service, on account of certified inability to discharge his duties with the requisite energy and effect, and to the operation of the same causes for some time antecedent to his secession, and the vacation of his Office subsequently thereto, may be attributed perhaps, the accumulation of the miscellaneous arrear alluded to on his file. Mr. Cowell, confining himself exclusively to appellate functions, determined on trial 303 appeals, and disposed of 390 miscellaneous cases after investigation, in which are comprised 30 Decrees completely executed, and a large proportion of petitions under the 4th and 6th Headings of Statement No. 2, requiring, in their decision, the exercise of some thought, and the expenditure of time in the completion of the enquiries prefatory thereto: during 47 days that Mr. Pidcock sat in the Civil Court, he decided on trial 78 appeals, being unable to bestow, continuously, adequate attention on Civil duties by reason of his constant occupation in the hearing and determination of Criminal trials, and Appeals from the Magisterial authorities of the three Districts, composing the jurisdiction of the Bareilly Court, and having during the greater part of his incumbency, which, commencing on the 24th April, terminated on the 3rd of October, but a small number of cases on his file; in the miscellaneous branch, the share taken by Mr. Pidcock is represented in the margin.† In 9 special appeals preferred to the Sudder Dewanny Adawlut from the Bareilly Court, Mr. Cowell's Judgment was upheld in five, in one reversed, and the remaining cases, numbering 3, were remanded for retrial:—certain circumstances connected with these Appeals, to which more particular allusion does not appear called for in this place, were brought to the notice of Government, towards the close of last year in my letter No. 2250 dated 27th December.

* Vide my letter No. 1946 dated 7th October, 1843. Mr. Secretary Hamilton's reply No. 5018 dated 7th November.

	Decided on merits.
† Headings 1 to 14,	39
Ditto 15 to 17,	740

46. The business dispatched in the Principal Sudder Ameen's Court, in which Mr. Berkeley presided during the whole year, amounted, on the regular file, to 268 suits decided on trial, of which 167 were original suits, and 101 Appeals from the orders of the Sudder Ameens and Moonsiffs, being about the same as in 1842, and, in the miscellaneous department of work, to 269 cases under the 6th, 10th and 11th Headings of Statement No. 2, disposed of by an order on the merits, in which are comprised 173 decrees fully enforced; 115 others were struck off after partial execution, 39 transferred to other Courts, and Heading 16 represents 1520 orders to have been passed on the matters falling thereunder: this amount of work, combined with that preformend in aid of the magistrate, particulars of which are given in papers‡ hereunto appended (E) is by the Judge considered "very creditable" to the Principal Sudder Ameen. The proportion§ of the Principal Sudder Ameen's decisions confirmed in Regular and Special Appeals heard by the Judge does not represent his judgment in a very favorable light: one regular Appeal also from this Court was determined by the Sudder Dewanny Adawlut, in confirmation of the original decision. During the past year, the very large extent, to which the Principal Sudder Ameen's services appeared to have been put in requisition by the Magistrate, led the Court to apprehend detrimental effects on the Civil business of his Court, and suggested the expediency of discouraging these demands on his time and energies; it has been pointed out to the local authorities, that the acquisition of additional aid in the Criminal department, was not the *primary* object, contemplated by the creation of the appointment of Principal Sudder Ameen, and that the practice of employing that functionary, in any

‡ Mr. Berkeley's address to Judge dated 12th March 1844, with statements and extracts from Magistrate's report to Commissioner annexed.

	Tried.	*Confirmed.*	*Reversed or Modified.*
§ Regular, ...	28	18	10
Special, ...	27	13	14

considerable degree, in magisterial duties, except when leisure from his more appropriate vocations may admit of his being so occupied without injury to the Civil Administration, should be ordinarily avoided; the sentiments of the Court having been thus distinctly expressed, there is reason to hope, that the good sense of the Magistrate on the one hand, and the conciliatory supervision of the Sessions Judge on the other, may have the effect of introducing practically such method in this respect, as shall turn to full account the valuable aid of Mr. Berkeley, in the preparation and trial of Criminal cases, without interfering with the attention, which he is expected and required to give to duties no less important, and more legitimate.

47. It only remains to add as regards Mr. Berkeley, that in the course of the period under notice a memorial was laid before the Court, charging him with the indulgence of inimical feelings, with malversation and improbity in the discharge of his duties, and that the enquiry, which the Court considered it imperative upon them to institute, with a view of ascertaining how far the general imputations of official delinquency, and of interested motives, had their foundation in truth, terminated in his acquittal; it was thought expedient, nevertheless, in adoption of Mr. Pidcock's recommendation, to remove from the reach of his official influence, Mr. H. N. L. Berkeley, his son, the late Moonsiff of Beesulpore, and this has been accomplished, since the opening of the present year, by his translation to a similar Office at Seharunpore, vacated by Mr. Powell's retirement. The dismissal of these charges was duly reported* to Government, agreeably to the requirements of Act XXVI. of 1839.

* My letter No. 2235 dated 21st December 1843. Your reply No. 437 dated 30th January 1844.

48. In bringing to a termination 240 original suits after trial and 207 miscellaneous cases by an order on the merits, the Sudder Ameen of Bareilly, Khan Buhadoor Khan, has evinced a deficiency of industry, which, if not censurable, must at any rate be pronounced somewhat unsatisfactory: the arrear on the miscellaneous files at the end of the year had risen from 65 cases, pending at its commencement, to 123; instead of 273 decrees, which were executed in 1842, 196 only met with complete enforcement, while in the regular department, the general arrear had increased, though not very considerably, and three suits, instituted prior to the beginning of the year under review, remained undecided at its close: this review cannot be regarded as other than unfavorable. This Officer disposed of 49 Criminal cases, referred to him for trial by the Magistrate. Of the 242 regular cases, tried and decided in the subordinate Civil Court at Pillibheet, 95 were determined by Ghoolam Nubbee, the late Moonsiff, whose displacement formed the subject of separate correspondence† with Government, and 147 by Ghoolam Ghouse, commonly called Mahomed Moohsin, who succeeded to the Civil jurisdiction of the abolished Moonsiffee, and commenced his labors in June 1843; 99 Decrees were also carried out to full execution in this Court, and 32 others were partially enforced. In the Criminal department the Sudder Ameen's services were availed of in the trial and determination of 37 cases, comprising 71 persons.

† Mr. Secretary Hamilton's letter No. 3692 dated 15th August. My reply No. 1715 dated 1st September. Mr. Secretary Hamilton's letter No. 4576 dated 7th October. My reply No. 2017 dated 13th October.

49. The falling off in the regular business, disposed of by the Moonsiffs serving in this District, is rather appalling at a first view, their decisions on trial during 1843 numbering 499‡ less than in the antecedent annual period, but a large portion of this decadency is nominal, as will be evident from advertence to the fact of 242 suits determined in the Pillibheet jurisdiction, having been transferred to that Section of the returns, which is designed to exhibit the result of the Sudder Ameen's labors; after adjustment of this difference, however, a decrease in the number of cases adjudicated to the extent of 257, and an accession to the arrear depending at the end of the period under notice, as compared with a corresponding period of 1842, to the extent of

‡ *Decided on trial by Moonsiffs*
In 1842, ... 3487
In 1843, ... 2988(*a*)
499

(*a*) Exparte, ... 924
Confession of Judgment, 757
1681

202 suits, are apparent, and, as the subordinate native Judicial Agency received additional assistance about the Month of June in the person of Ahmud Hussun the newly appointed Moonsiff of Bhilsee, (since removed to Oojhanee agreeably to Mr. Pidcock's recommendation) and as their files were well replenished throughout the year, it is difficult to adduce any sufficient reason for this result, which, it must be admitted, is not deserving of praise. The work, done by these functionaries jointly in the miscellaneous branch, included the execution in full, of 1512 Decrees, and the partial satisfaction of 680 more, being somewhat less than met with disposal in 1842, while the arrear was larger by 150 applications, which remained incomplete at the end of December. The manner, in which the appeals from the orders of the Moonsiffs, brought to decision by the Judge and Principal Sudder Ameen, terminated, is exhibited in the margin,* and appears most in favor of Mr. H. N. L. Berkeley, the proportion of his decisions reversed to those confirmed being as 1 to 4, and well calculated to induce a high estimate of his judicial ability: a similar comparison is little less creditable to the care in investigation and soundness of judgment, evinced by the Officers located at Bareilly and Shajehanpore, as inferrible from the result marginally denoted, while the reversals generally bear a proportion of 39 per cent to the whole number of Appeals, which went to decision. Early in the present year the Judge was requested to express his view regarding the advisableness of appointing another Moonsiff in the Shahjehanpore District, but owing probably to mutations in the Office of Judge, and the confusion not infrequently contingent thereupon, the projected scheme has not been hitherto matured or carried into execution.

*

	Confirmed.	*Reversed or Modified.*
Ghoolam Ghous Moonsiff of Phillibheet, ...	16	15
Amanut Hossein Ditto of Bareilly, ...	61	18
Mohumud Hussun Ditto of Huveleeshuher, .	31	23
Abdoorruhman Ditto of Budaon, ...	19	9
Mr. H.N. L. Berkeley Ditto of Beesulpore, .	40	10
Ghoolam Yuhya Ditto of Shahjehanpore, .	52	19
Abdoorruhman Add. Ditto of Budaon, ...	27	9
Ahmud Hussun Ditto of Oojhanee, ...	0	0
	246	103

	Confirmed.	*Reversed.*
* By Judge, ...	193	63
By Principal Sudder Ameen, ...	53	40
	246	103

50. During the past year, Mr. Cowell, the Judge, proposed the establishment of separate Offices for the Registry of Deeds at the Stations of Shahjehanpore and Budaon, with the view of promoting the convenience of the people, by affording greater facilities, than exist at present, for the registration of deeds, an observance, which none, who respect validity of their purchases, can now, since the passing of Act XIX. of 1843, venture to neglect. Correspondence* on this subject is now before Government; and will, it is supposed, terminate in the adoption of Mr. Cowell's proposal, and the general extension of its principle, throughout these Provinces. It seems unnecessary to add any remarks on this subject, the views of the Court having been laid before Government in a detailed form, in the letters referred to, and embodied for general information and instruction in a Circular Order, which will shortly issue.

* My letter No. 1775 dated 12th September, 1843.
Mr. Secy. Hamilton's letter No. 5225, dated 21st Nov., 1843.
My letter No. 2191, dated 18th December, 1843,
Your letter No. 301, dated 23d January, 1844.
My reply No. 286, dated 8th February, 1844.
My letters No. 958 and 1189, dated respectively 29th May and 25th June last.

AGRA.

51. A modification of the existing Judicial establishments of this District, in the higher grades, adverted to in the 38th paragraph of the Report for 1842, or an enlargement of its jurisdiction by the transference of two Moonsiffees from Allygurh, which needs relief in this respect, is suggested by a review of past year's operations, but a specific proposition to that effect, submitted by the Judge of

Judge.	
Headings Nos. 1 to 14 ..	285
,, ,, 15 to 17 ..	3470
	3755

PRINCIPAL SUDDER AMEEN.
Headings Nos. 1 to 14 ... 448
" " 15 to 17 .. 1106
1554

Allygurh, agreeably to the Court's instructions, and concurred in by Mr. Boldero, has been held in abeyance in the expectation, that the general adjustment of Civil Jurisdictions, in consonance with the principles set forth in the Resolution of Government, dated 30th October 1837, will shortly take effect, and by removing the inequality complained of, promote the efficiency of the administration in Allygurh, without imposing too large a measure of labor on the judicial functionaries of Agra.* In the mean time, the business, instituted in the superior Courts of Agra, is insufficient to give adequate employment to the agency provided, and the diminution thereof, to whatever cause ascribable, appears to be progressive: the number of suits, brought on the files during the past year, was smaller by 139 than in 1842, and a falling off to the extent of 179 in the aggregate amount of cases before the Courts is also observable; by this circumstance, the Judge explains a diminution of 234 in the number of decisions on trial, attributing the fact of 29 more cases having been pending at the end of 1843, than at its beginning, to "more time having been devoted to the miscellaneous department;" whether this ascription be correct or otherwise, is immaterial, but it is as well to remark, that Mr. Boldero's assertion of enhanced activity in the miscellaneous branch, is fully borne out by the results exhibited in the accompanying returns, and shewn in a condensed form in the margin,† and that he is justified in pronouncing the exertions of his subordinates "very satisfactory." No cases, either regular or miscellaneous, instituted prior to 1843, were pending at its close.

* *Note.*—On this subject see my letter No. 307, dated 10th February, 1844. Your reply No. 1235, dated 3d April, 1844.

	Brought on the files.			*Disposed of on merit.*			*Pending.*		
Courts.	1842.	1843.	Increase or Decrease.	1842.	1843.	Increase or Decrease.	1842.	1843.	Increase or Decrease.
Judge.	2955	3646	+691	2858	3629	+771	66	34	—32
P. S. Ameen.	1380	1525	+145	1155	1276	+121	63	39	—24
S. Ameen...	228	59	—169	154	26	—128	32	39	+7
Moonsiffs...	4584	6030	+1446	2566	3809	+1243	746	574	—172
	9147	11260	+2113	6733	8740	+2007	907	686	—221

52. Mr. Boldero, who presided as Judge throughout the year, decided on trial 158 Appeals, having at the end of December a depending arrear of only 21 suits, and passed orders on the merits of 159 ‡ Miscellaneous cases, under the first fourteen headings of statement No. 2, and 3470 under the remaining Sections: sittings were held in the Civil Court for 125 days, 102 (or nearly the same as in 1842,) having been devoted by Mr. Boldero to his duties, as Judge of Sessions and Criminal Appeal. From the small amount of work before him, the Judge had no occasion to refer any Appeals for decision to the Principal Sudder Ameen, Kurreemoollah Khan, whose performances, comprising the adjudication, after trial, of 113 original suits, and the disposal, after enquiry, of the miscellaneous cases marginally§ denoted, are as much as could have been accomplished, with reference to the state of both his regular and miscellaneous files, on the former of which 15 suits, and on the latter, 39 awaited a final order, when the period under review closed: his services, in aid of the Magistrate, were confined to the determination of 9 Criminal trials, in which 16 persons were implicated. This officer maintains the respectability of character, which has been before ascribed to him, and continues both by his zealous endeavors to fulfil the requirements of his duty, and by the discretion, which he displays, to command the approbation of the Judge, who, in allusion

‡ Of which 14 represent Decrees completely executed.

§ STATEMENT No. 2.
Headings 1 to 14 .. .. .. 170†
Ditto 15 to 17 1106
† Including 84 Decrees completely executed.

to him, expresses himself "satisfied with his industry and judgment;" for an exhibition of the former attribute little scope is afforded in the district of Agra, while the latter is certainly represented in a creditable light, by the reversal of his decisions in ten out of 37 Appeals tried, or about 27 per cent only. The Sudder Dewanny Adawlut upset his order in one regular appeal, which came before them from this Court, and modified Mr. Boldero's decision in another.

53. The employment of Surrubsookh Rae, as Sudder Ameen in the Civil department may be almost designated nominal, his decisions in that capacity having been restricted to 23 suits, with an arrear of 18 at the end of the year: he made himself useful, however, in the Criminal department by trying 41 Criminal cases, comprising 111 persons, and, acting as Moonsiff, brought to a termination, after investigation of the merits, 293 * regular suits, and 85 miscellaneous cases, of which 55 related to the execution of decrees, completely enforced. The Sudder Ameen, Surrubsookh Rae has been compelled, since the beginning † of the present year, to seek the restoration of his health by relinquishing his post for a period of three months and has been temporarily replaced by the deputation to Muttra, of Mr. J. P. Lyons, Moonsiff of Agra. Surrubsookh Rae, is advanced in years and physically infirm, and his return to Official duties is hardly expected; the opinion conceived of his judicial ability, by the Judge of the Court, who visited this District on Circuit in the cold weather of 1842-43, and expressed in the 41st paragraph of the Civil Report for 1842, leaves little room for regret, if he should retire from the public service. Government having been pleased definitively ‡ to reject the proposal for the abolition of the Sudder Ameen's Court at Muttra, the Court deem it unprofitable to revive the question, as well on that account, as from an impression, that the organic changes, contemplated in the Report of the Law Commissioners, dated 17th May, 1843, will, if effected, supersede the necessity of further discussion, and appear, while under consideration, to render the utility of such discussion questionable.

* Exparte, ... 113
Ikbal Dava, ... 64
177

† See your letters No. 370, dated 26th Jan. and No. 547, dated 6th February, 1844.

‡ Vide Mr. Secretary Hamilton's letter, No. 5352, dated 30th Nov., 1843.

54. Among the four Moonsiffs, properly so called, the industry of Mr. J. P. Lyons of Agra, is the most conspicuous, the number of his decisions in regular suits being considerably in excess of that attained by any other functionary of his grade, while in the miscellaneous branch of work, likewise, the result of his labors will bear the test of comparison with that expressed in the returns for 1842; the Moonsiff of Muttra, whose performances have been detailed above, being excluded, 1444 § original suits were determined on trial by the remaining four Officers, who, urged occasionally by the Court, and exhorted by the Judge, have exonerated themselves from the imputation of remissness, more than once advanced during the past year, by carrying out to complete execution 804 decrees, and partially enforcing satisfaction of the demand in 522 others, leaving 396 (or fewer by 386 than were pending at the end of 1842) undisposed of. The Court, giving full credit to these Officers, for their exertions, are not at the same time disposed to attach much importance to the increase (remarked on by Mr. Boldero,) observable in other classes of cases, falling under the miscellaneous head, seeing that his "analysis" of cases entered under the 6th Heading of Statement No. 3 proves, that orders in postponement of regular suits, and cases of execution of Decree, after proceedings held, applications "for possession," which cannot be an isolated matter, and other orders equally connected, more or less, with the progress of regular suits, or the enforcement of Decrees, have been irregularly included therein: this practice, on the part of the Moonsiffs, of dislocating certain proceedings, and giving them a place in their periodical returns as separate cases, having for its object, it is supposed, to convey an exaggerated impression of their

§ Of which decided:
Exparte, ... 440
Confession of judgment, 403
843

industry, has been condemned by the Court as erroneous, and will, there is reason to believe, be in future discontinued.

55. Of 115 * appeals tried by the Judge, the original decisions of the Moonsiffs were affirmed in the large proportion of 95 or about 83 per cent, while of six appeals from the orders of Surrubsookh Rae, the Sudder Ameen of Muttra, only one terminated in reversal; this result must be considered very favorable, and, consistently with a good opinion of the judgment exercised by the appellate authority, indicative of much care being applied to the investigation and adjudication of their cases by the Moonsiffs generally, but particularly by those of Agra, Muttra, and Etmadpore, to the former of whom Mr. J. P. Lyons, the first place has been assigned by the Judge, as regards eligibility to promotion.

	Confirmed.	Reversed or Modified.	Proportion of Reversals.
* Mr. J. P. Lyons, Moonsiff of Agra,	24	4	1 in 6
Surrubsookh Rae, Moonsiff of Muttra,	11	1	1 in 11
Syud Uhmud Khan, Moonsiff of Futtehpore,	12	4	1 in 3
Syud Ubas Alee, Moonsiff of Bah,	35	9	1 in 4
Ewuz Alee Khan, Moonsiff of Etmadpore,	13	2	1 in 6

56. In appendix F of the Court's last report, was submitted for the information of Government, a letter addressed to the Judge of this District, descriptive of various defects in the Register books &c. and some irregularities of procedure, detected by the Judge of the Court on Circuit, Mr. G. P. Thompson, and injunctive of their correction; all these have now been amended, the misapprehensions, in some respects, of the subordinate Judicial Officers have been removed, and instructions issued by Mr. Boldero, which may be expected to effectuate improvement, and secure future adherence, on the part of all concerned, to the requirements of Law, and prescribed rules of practice and procedure. A proposition has been recently entertained † by Government, for altering and enlarging the building appropriated to the purposes of the Judge's Court House at Agra, in such a manner, as to render it a suitable depository of the Civil records of this Judgeship, and to afford adequate accommodation in all respects, and it is hoped, that the scheme, when submitted, may be found so to combine a just economy, with the means of remedying the evils and inconveniences, which have long been the subject of complaint, as to merit the approval, and meet with the sanction, of Government. No progress was made during the expired year, in introducing into practice the provisions of Regulation VI. of 1832.

† My letter No. 307 dated 10th February, 1844.
Your reply No. 1235 dated 3rd April, 1844.

FURRUCKABAD.

57. The satisfactory condition of Civil business, by which this District has been for some years distinguished, is shewn by the present returns to have been maintained during the period under review, by the personal assiduity of Mr. Cartwright in his own Court, and by the close and commendable supervision, which it has ever been his wont to exercise over the acts of his subordinates. As regards the general file, a decrease in the amount of business instituted is apparent, the number of suits instituted having been fewer by 110, than in 1842, and the whole pending before the Courts, also less by 517,—facts, which must be allowed to account for a diminution of 283 in the number of decisions on trial; at the end of 1843, the amount of depending arrear, was likewise smaller to the extent of 132 cases, than at its commencement, and of this no portion was

JUDGE.	
Headings Nos. 1 to 14, ..	604
,, ,, 15 to 17, ..	9489
	10,093

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14, ..	500
,, ,, 15 to 17, ..	695
	1195

composed of suits, of longer standing than a twelvemonth, while the only miscellaneous case, of protracted duration, was an application for execution of Decree in the Principal Sudder Ameen's Court, the disposal of which was dependent on the receipt of a reply, expected from a neighboring District, and would seem to have been unavoidably retarded; the files of the Moonsiffs were free from arrear of this description. It might not be uninteresting to investigate the origin of the falling off, during the two past years, in the quantity of business brought before the Courts of this District, but such an enquiry might possibly be considered foreign to the purposes of a Report of this nature, and could only terminate in conjectural inferences, of no practical utility or advantage.

58. Mr. Cartwright, who held the office of Judge throughout the year, and confined himself entirely to the adjudication of Appeals, in which he was unassisted by the Principal Sudder Ameen, decided 278 suits of this description after trial, and disposed, after investigation of the merits, of the miscellaneous work, described in the margin,* including 46 decrees completely, and 31 partially enforced; in explanation of this falling off in the amount of his performances, the Judge alludes to his anxious and harassing occupation in the readjustment of disordered records, to the perplexing nature of much of the miscellaneous work, which required his attention, to the detection of irregularities in the Nizarut Department of the Principal Sudder Ameen's Court, and the necessity of their thorough investigation, and to other causes, all of which, the Court need hardly add, combined with the fact of a decrease in the number of institutions, and with the conscientious and commendable discharge by Mr. Cartwright, of his controlling functions, fully prove, that the comparative deficiency noticed cannot in the smallest degree detract from the character for diligence, energy, and ability, which he has established. It is a fact, moreover, worthy of remark, as evidencing the efficiency of this Court, that "the oldest of the regularly admitted appeals" pending at the end of 1843, "was instituted no further back than 12th August, 1843." 60 days (considerably less than in 1842,) were devoted to Sessions and Criminal duties.

* 14 Headings of Statement No. 2. 378
15, 16 and 17th Headings. 9487

59. In the operations of the Principal Sudder Ameen's Court, as well as of the Moonsiffs taken in aggregate, the same diminution in the quantity of Civil work, instituted and pending during the year 1843, as compared with the antecedent annual period, prevails, and forbids the deduction of conclusions, regarding the industry of the subordinate judicial authorities, from the number of their disposals; if their efforts have been equal to the demands upon them, if it can be shewn, that lightness of work has not superinduced a want of continued application, or a spirit of indifference, and that the files at the end of the year were in an unencumbered condition, there will be no ground to question their "industry," whatever may be the decrease in the mere number of their decisions. These prefatory remarks have been suggested by a comparison* of the Principal Sudder Ameen's labors during the past year, with those represented in the Court's Report, for 1842; of the 199 cases determined, 136 were disposed of, after investigation and trial, 164 miscellaneous cases under the first fourteen Headings of Statement No. 2, comprising the full execution of 82 Decrees, were brought to a termination on their merits, and the depending arrear in both Departments was smaller at the end, than at the beginning of 1843, the case of longest standing included in that arrear, as it regards the regular file, being an original suit instituted on the 20th April 1843; if the state of his file had admitted of it, more perhaps might have been accomplished. As stated in the 46th paragraph of the Civil Report for 1842, Mr. Mercer was deemed by the Court, "to merit the first recommendation for promotion to a higher rate of salary, on

ORIGINAL SUITS.	*Instituted.*	*Decided.*	*Pending.*
1842.	315	306	90
1843, ...	192	199	72
Decrease ..	123	107	18

Note.—The Principal Sudder Ameen also decided 6 Criminal cases besides reporting on others referred to him for that purpose.

occasion offering," and in the 10th paragraph of his present review, Mr. Cartwright bears testimony "to the regularity of Mr. Mercer's attendance in Court, and to the assiduity, with which he investigates the cases, that come before him:" it is with real regret, therefore, that the Court find it their duty to notice, in a cursory manner, circumstances recently elicited, which have induced the Judge to withdraw his commendation of Mr. Mercer's official merits, and to observe, that he has "forfeited the character for assiduity and attention to his duties," which he was "formerly described as possessing." At the end of December, Mr. Mercer, having 72 undetermined cases on his file, ascribed his inability to decide a number of suits, equivalent to the prescribed standard,* to the paucity and unprepared condition of those appearing on his file, repeating in fact a plea, which had been urged in almost each successive month of the year; with a view to ascertain the validity of this plea, the Judge thought it necessary to subject Mr. Mercer's proceedings in some of the oldest cases to a close and searching inspection, and has recently reported, as the result thereof, his conviction, that Mr. Mercer's deficit of adjudications arose, not "from the cases not being ready for hearing, but rather from his own negligence," a conclusion, in which the Court, after giving full consideration to the detailed analysis of those proceedings, submitted by Mr. Cartwright, have expressed their concurrence, to the extent of admitting, that "reprehensible carelessness on the Principal Sudder Ameen's part in the preparation of his regular cases, and a no less reprehensible disregard of Law, and of Circular Orders" are thereby established. It would have been more agreeable to the Court to abstain from mention of these particulars, and from allusion to the disorganisation detected in the Nizarut Department of the Principal Sudder Ameen's Court, but the prospective promise of his elevation to "the higher rate of salary, on occasion offering," and the improbability, under the circumstances recently brought to light, of that promise being fulfilled, seemed to necessitate such allusion, in support, simply, of the Court's consistency. It is hoped, that the Principal Sudder Ameen may derive benefit from Mr. Cartwright's exposition of his irregularities, and be induced to use his best endeavors for the re-establishment of the high character, as a Judicial officer, which he has hitherto been admitted to possess, by a closer adherence to the prescribed forms of procedure, which, however trivial prima facie are in fact of the utmost importance. Of 56 Appeals heard by the Judge from the decisions of this officer, 20, or about 35 per cent, terminated in the reversal or modification of his original order.

* 20 Suits.

60. It only remains, before noticing some points of general interest adverted to in Mr. Cartwright's Report, to describe the performances of the 6 Moonsiffs, which are such as to merit the approbation of the Court; the business transacted by these officers, comprises the adjudication, on trial, of 1968* regular suits, (or 386 less than in 1842), and the decision, after investigation of the merits, of 4416 miscellaneous cases of all descriptions, among which 619 relate to decrees completely, and 753 others partly, executed; it thus appears, that the leisure, permitted by the comparative lightness of the regular files, has been beneficially applied to the dispatch of miscellaneous business,* proving, that the timely exhortations of Mr. Cartwright, backed by the coincident opinion, and corresponding admonitions of the Court, called forth by revision of the quarterly returns, have been productive of salutary effects. With the exception of Akbar Alee Khan, and Momin Alee, the two City Moonsiffs, whose official merits are warmly commended by the Judge, and not without reason, and who considerably exceeded the stipulated minimum of yearly decisions on trial, (300), the remaining officers of this denomination fell short of it, leaving, however, at the close of the year, an insignificant arrear, and shewing thereby their ability to have done more, if more had been required from them. The favorable opinion of the judgment evinced by the Moonsiffs generally, as deducible at first sight

* Of which decided exparte, ... 463
Ikbal Dawa, ... 786
1249

	Decrees executed completely.	*Partially enforced.*	*Total.*
* 1842, ...	453	707	1160
* 1843, ...	619	753	1372

	Confirmed.	*Reversed or modified.*
* Akbar Alee Khan, 1st Moonsiff of Furruckabad,	38	19
Momin Alee, 2nd. Do. Do.	41	13
Hyder Alee Khan, Moonsiff of Doondwara,	9	10
Kurrum Alee Khan, Do. of Kaungunge,	16	12
Ghoolam Moheeooddeen Do. of Chubramow,	19	15
Aleemooddeen, Do. of Kunouj,	18	12
	141	81

from the termination of 222 Appeals* from their orders, brought to decision, by the confirmation thereof in 141, or a proportion of 63½ per cent, becomes largely qualified by disjunction of those, brought to set aside decisions of Akbar Alee Khan, and Momin Alee, the Moonsiffs of the City, whose judicial ability is no less discernible in the proportion borne by orders confirmed (79) to those reversed (32), than is their zealous industry in the quantity of work disposed of by them: the contested orders of the remaining Moonsiffs were affirmed and upset in about equal proportions. Neither Ghoolam Moheeooddeen of Chubramow, nor Aleemoddeen, late of Kunouj and recently transferred to Puppoond in the Mynpooree jurisdiction, is held in high estimation by the Judge, his opinion of both being so indifferent, as to suggest to him the propriety of subjecting them to the ordeal of an examination, or the only alternative, the relinquishment of their Judicial Office; as regards the former, the Judge will, after obtaining the concurrence of the Commissioner, act according to his own discretion, while, as regards the latter, it has been deemed proper to make the Judge of Mynpooree acquainted with Mr. Cartwright's estimate of his character, leaving it optional with that Officer, after the expiry of a suitable period, to follow the dictates of his own judgment. The errors of Hyder Alee, Moonsiff of Doondwara, and Kurrum Alee Khan, of Kaimgunge, are attributed, seemingly, to insufficient experience in Judicial business, and they have both "acquitted themselves to Mr. Cartwright's satisfaction, and the judgments of the former are said to be "delivered with a deliberation and preciseness, that is highly praiseworthy."

61. During the expired year, two special appeals from the Judge's Court were admitted and determined by the Sudder Dewanny Adawlut, one being dismissed, and Mr. Cartwright's order in the other modified; of regular Appeals from Mr. Mercer's decisions, 3 terminated in reversal, and 2 in modification of the orders of the Court of first instance.

62. In the 2nd part of Mr. Cartwright's Report, are described the difficulties encountered, and overcome, in re-organizing the record department of his office, with the almost unassisted agency of his ministerial establishments, and though his complete success has been already reported,* and has called forth the special commendation of Government, the Court consider it due to Mr. Cartwright's zealous and well directed exertions, to make laudatory mention thereof, in this annual summary of operations, connected with the administration of Civil Justice, the promptitude and efficiency of which must be nearly proportioned to the degree of method, observed in the arrangement of Civil records: in Furruckabad, this has been subjected by the Judge, since the submission of his Report, to a severe experimental test, the result of which has satisfactorily proved, that both the utmost facility of reference and almost faultless accuracy in the enumeration of papers have been attained. Among other subjects, discussed in considerable detail by Mr. Cartwright, the system of Juries, as established by Regulation VI. of 1832, the obstacles opposed to its general introduction, and the means of removing them are noticed so prominently, that some comment on the part of the Court seems to be needed; the proposal of preparing lists of persons, who shall be liable to serve as Jurors, or Assessors, and of investing the Civil Courts generally with the power of compelling their attendance, and of punishing recusancy by the penalty of fine, may perhaps be susceptible of practical execution, but it is questionable, whether the classes of cases, (disputed accounts, both commercial and agricultural) in which, the

* My letter No. 802 dated 2nd May, 4844.
Your reply No. 1951, dated 22nd Idem.

association of such persons with the presiding Judge is found most beneficial, are so numerous, as to warrant an innovation, which will be unpalatable to the people, and may, therefore, be expected to give rise to much discontent and opposition. Be that as it may, it appears to the Court, that those, on whom the obligation is imposed, may justly expect for their time and labor remuneration, which the Government, by whom a Judicial Establishment of sufficient strength has been already provided, cannot be expected to discharge, and without which no system of compulsory attendance could be successful;—the only alternative, which suggests itself in such a case, is to include the remuneration of the attending Jurors or Assessors in the costs of suit, making it payable by the losing party, or by both parties in such proportions, as the Court trying the same might think fit to direct, but this expedient is so far objectionable, that it will add to the expense of litigation in no small degree, and may possibly operate as a bar to the institution of just claims in the Courts of Justice by those, whose means are limited. Although this Law has been in force for a considerable time, it is still in many Districts a dead letter, and in others has not materially progressed, notwithstanding the unremitting efforts made by the local Judges for its extensive application, and the Court conceive, that the time has arrived, for the adoption of some substantive measure, with a view to prevent *retrogression*; the question will be borne in mind, and brought, if practicable, to a definitive issue before the submission of the next Annual Report.

63. In the 8th paragraph of part 2 of the Judge's report, is denounced the prohibition, at present existing, against the trial of persons charged with perjury, detected in the course of a civil action, by the Session Judge of the District, in which the offence may have been committed, and the time occupied by the preliminary investigation of these cases is declared by Mr. Cartwright, to be "valuable time lost"—the Court admitting the truth of some objections urged, have demurred subscribing to this opinion, simply on the ground, that the suppression of the like offences, and the protection of the community from the injury incidental to their commission, is a great public service, and have further remarked to the Judge, that the present system, with all its evils, appears preferable to his proposed subjection of the prosecuted parties to the Session Court of the District, in which the offence may have been perpetrated; the Civil Judge, on examining the records of the case, in which Perjury or Forgery is alleged, as he is required to do by Clause 2, Section 14, Regulation XVII. of 1817, must ordinarily prejudge the matter, as against the accused, and cannot therefore be divested of all interest and partiality, however conscientious and earnest his desire may be to avoid such bias;—any amount of "inconvenience," must be suffered, rather than that any pretext whatever should be allowed for impugning the fairness of a Criminal trial.

64. Mr. Cartwright advocates in the 9th paragraph of the same part of his Report, that it should be "rendered obligatory on the Civil Judges to visit each of their Mofussil Courts once in the year," and adduces various arguments to shew the beneficial results of such personal visitation, refuting, by anticipation, the objection arising from the intermediate adjournment of the Zillah Court, by remarking that "in the most elongated District it need not occupy more than 20 days." It will be in the recollection of Government, that, in the course of a late correspondence,* this point incidentally came under consideration, and that the Court were indisposed to encourage the proposal in the indefinite form, which it then bore; they are, however, prepared to admit, that under certain conceivable circumstances, a visitation of the nature alluded to might be productive of beneficial effects, more than commensurate with the detriment accruing to civil business by the adjournment of the Civil Court, and they would desire, if the Government discern no objection, to be vested with the discretionary power of authorizing the Civil Judges to make an inspectional tour, within the limits of their respective districts, whenever such may appear, for reasons stated, advisable and practicable, without prejudice to the judicial operations of the Zillah Court: they are averse from imposing an obligation upon the Judges, to visit their subordinate tribunals

* Mr. Secy. Hamilton's letter No. 3371 dated 21st July, 1843.
My reply No. 2268 dated 28th December, 1843.
Your letter No. 294 dated 23rd January, 1844.
My reply No. 270 dated 9th February, 1844.
Your do. No. 832 dated 1st March, 1844.

annually, whether peculiar circumstances point out the propriety thereof or not, thinking, that there should always be some definite object in view, and that the Judge should invariably report the result of his visitation for the information of the Court and Government. It may be added, that paragraphs 13, 14 and 15, of Mr. Cartwright's Report, denoting irregularities of procedure in the lower tribunals, discovered and corrected by him during the expired year, have been circulated* for the information and caution of the Judges generally, and that the points adverted to in the 22d and 23d paragraphs thereof, had previously engaged the attention of the Court, and given occasion for the promulgation of general instructions,† which may be expected to provide effectually for both contingencies. The Court have only space to remark, further, with reference to the Judge's 22d paragraph, that the revision of the jurisdictions of the Moonsiffs' Courts, comprising the abolition of the Kanouj Moonsiffee, which was said in the 47th paragraph of the last Civil Report to have been deferred pending the operation of Act VI. of 1843, may now be well carried out in accordance with the principles declared in the Resolution of 30th October, 1837, and in execution of the wishes of Government, as expressed in a Circular Order of this Court, No. 853, dated 14th May last. The whole of this full and elaborate Report bears testimony, no less to Mr. Cartwright's active and energetic supervision, than to the judicial ability, which is brought to bear on the administration of Civil Justice in the district of Furruckabad.

* Circular Order, Sudder Dewanny Adawlut, No. 745, dated 2d May, 1844.

† Circular Order, Sudder Dewanny Adawlut, No. 759, dated 2d May, 1844.
Circular Order, Sudder Dewanny Adawlut, No. 746, dated 2d May, 1844.

MYNPOOREE.

65. The details, represented by the statements from this district, are so far unsatisfactory, that, notwithstanding a considerable reduction in the income of Civil business, the depending arrear, of longer standing than a twelvemonth, both in the higher and lower tribunals, was large: it is just, however, to advert to various untoward circumstances, which must have exercised a detrimental influence on the operations, not only of the Judge's Court, but of the inferior tribunals likewise, and to the result of exertions made subsequently to the termination of the period under report, as tending to mitigate—or rather to annul—the discredit, which might otherwise have attached to the administration of this district during the past year. Among the interrupting causes alluded to, the suspension of the Civil business of the Judge's Court (the conduct of the current duties, delegated to the Principal Sudder Ameen, being excepted) for a period of nearly three ‡ months, deserves to be prominently noticed, no less than the accumulation of numerous criminal trials, and appeals, during the absence of the Judge; besides the intermission of work incidental to the changes marginally denoted, and the prejudicial effect produced on the Civil business of the Judge's Court, by that intermission, and the subsequent accumulation of arrear in the Criminal department, it is to be borne in mind, that the uncovenanted Judges were for some time relieved from that active and vigilant supervision, which is indispensable to the exaction from them of an adequate measure of industry, and that among their number were included Kuramut Alee, of Etawah, who long prior to the date of the last Annual Report, was found, mentally and physically, unequal to the effective discharge of his functions, and Loknath Tewaree, Moonsiff of Phuppoond, who was considered by the Sudder Judge, Mr. G. P. Thompson, so imperfectly acquainted with his duties, as to need the maintenance of a close scrutiny of his

Judge.	
Headings Nos. 1 to 14, ..	310
„ „ 15 to 17, ..	866
	1176

Principal Sudder Ameen.	
Headings Nos. 1 to 14, ..	502
„ „ 15 to 17, ..	2520
	3022

‡ Mr. C. F. Thompson, 1st to 31st January, 1843.
From 1st February to 23d April, Principal Sudder Ameen was in charge.
Mr. S. Fraser, 24th April to 22d November.
Mr. C. F. Thompson, 22d November to end of year.

* My letter, No. 2,258, dated 30th December, 1843.
Your reply, No. 480, dated 31st January, 1844.

proceedings by the Zillah Judge. The former has since retired on pensionary* support, and the latter died towards the close of the last year, as reported by the Judge, Mr. C. F. Thompson, in his letter, dated 28th November, 1843.

66. It remains, before proceeding to an examination of the business transacted by the Judicial functionaries of this district severally, to take a general view of the administration during the past year, and the state of the general file at its close. As compared with the antecedent annual period, there was in 1843, a falling off in the number of suits instituted to the extent of 440, and a decrease of 629 in the aggregate before all the Courts, facts, which account for the decisions on trial having been fewer by 312, and other disposals also less numerous by 227, but which cannot be taken to excuse the inclusion in the depending arrear (which is smaller by 90 cases, than at a corresponding period of 1842) of eleven original suits, and 26 appeals, older than a twelvemonth; these, which awaited determination in the several tribunals according to the distribution given in the margin,† and comprised 6 remanded cases, had been considerably reduced in number by the date of the Judge's Report, (11th May) when of the appeals 16 had been disposed of, the miscellaneous arrear of the same nature, detail of which is likewise expressed in the margin, having similarly undergone diminution, though in a lesser degree. The Judge of the Court, who reviewed the statements from Mynpooree for the quarter ending in December, thought it desirable to comment pointedly on the existence of these protracted arrears, and, while admitting the validity of the extenuating pleas urged by the Judge, Mr. C. F. Thompson, to denote the propriety of exercising his best endeavors, both in his judicial and supervising capacity, to remove such an opprobrium from the civil administration of Mynpooree; and from what has been already accomplished, as abovementioned, there is reason to anticipate a marked amelioration in the state of business by the close of this year, if Mr. Thompson's health permit an uninterrupted continuance of his labors, throughout.

† ORIGINAL SUITS.

	1840.	1841.	1842.	Total.
Principal Sudder Ameen,	1	1	2	4
Moonsiff of Suhawur,	,,	,,	1	1
Moonsiff of Etawah,	,,	,,	4	4
Moonsiff of Phuppoond,	,,	,,	2	2
				11
Appeals.				
Judge,	,,	3	22	25
Principal Sudder Ameen,	,,	,,	1	1
				26

STATEMENT No. 2:

	Cases older than a year.	Since Dec. decided.
Judge.		
Heading, No. 2,	2	2
,, ,, 12,	3	3
,, ,, 13,	1	1
	6	6
Principal Sudder Ameen.		
Heading, No. 1,	1	
,, ,, 10,	4	3
,, ,, 17,	5	
	10	3
Moonsiffs.		
Execution of Decree,	18	14

67. In estimating the performances of the Judge, Mr. C. F. Thompson, and his Predecessor, Mr. S. Fraser, constant advertence must be had to the observations, recorded in the preceding paragraph: 44* regular cases, all appeals, were decided on trial, and orders were passed on the merits of 148† miscellaneous cases and petitions under the 14 important Headings of Statement No. 2, in the proportions shewn by the marginal note, the disposal of 840 matters falling under the remaining headings, and duties as Judge of Sessions and Criminal

* Mr. Thompson,	15
Mr. S. Fraser,	29
	44
† Mr. Thompson,	68
Mr. Fraser,	80
	148

Appeal, including the determination of 80 Criminal trials, and 129 Appeals, to which 125 days or somewhat less than in 1842, were devoted, being superadded; the arrear, on both the regular and miscellaneous files, consisting of 72 cases on the former, and 97 on the latter, was insignificant, and though unfavorable inferences, it cannot be denied, are primâ facie deducible from the fact of a considerable proportion of the regular arrear being composed of old cases of Appeal, the circumstances antecedently detailed must be received as adequate explanation thereof: at the same time, too, it must be noted, that, in order to prevent inconvenience arising from the pre-occupation of the Judge in other than Civil business, a judicious use seems to have been made of the services of Mahomed Alee Nukee Yawur Khan, Principal Sudder Ameen, by the transference to his Court, for trial, of 175 Appeals from the decisions of the Moonsiffs, and by the employment of his agency in the execution of Decrees to a large extent. The decisions of this Officer on trial amounted to 213 regular suits, of which 51 were original, and 162 Appeals, in addition to which 242* miscellaneous cases under Headings, No. 1, 8, 10, 11, 12 and 13 of Statement No. 2, were disposed of after investigation of the merits, and 2,491 orders were passed on other matters, represented by the remaining Headings: on the criminal side his assistance was not largely availed of, 9 cases having been finally determined by him, 16† others returned to the Magistrate, after completion, of the requisite investigation, and 21 applications and petitions of a miscellaneous character disposed of.

* *Note.*—In these are comprised the complete execution of 63, and partial enforcement of 49 Decrees, the very large proportion of 222 Applications having been struck off on default, this mode of proceeding, however apparently, injudiciously summary needs no justification, as it inflicts no injury on Decree holders, who can at any time renew their application to the Court at a very trifling expense.

†*Note.*—These do not appear in the Magistrate's Statement, No. 6.

The Principal Sudder Ameen's inability to attain to the prescribed number‡ of decisions, in the regular department, is explained by the state of his file at the end of the year, when 17 cases only required a final order, while as regards the miscellaneous branch, it is to be observed, that the arrear, which consisted, at the beginning of 1843, of 254 cases, had been reduced by its close to 76, no inconsiderable diminution; on the whole, the Court adverting to the light state of the files of this Court, and to the Principal Sudder Ameen's vicarious charge of the Judge's Office for a period of nearly three months, during which it fell to his lot to investigate the circumstances, attending the abstraction of certain papers from a bundle of monthly decisions, while in transit from one of the subordinate tribunals to the Sudder Record Office, the Court are disposed to admit, that his services have been turned to good account, and that his performances could hardly have been exceeded; there is reason to regret, at the same time, that the Judge's Report is defective in not containing any materials for forming an estimate of the Principal Sudder Ameen's merits and qualifications, Mr. S. Fraser having failed to record the minute on this point, required by Circular Orders, prior to his departure from this country, and the omission not having been brought to the notice of the Court in time to admit of remedy, but the deficiency is the less to be regretted, as favorable testimony is borne to his official and private character, and his zealous attention to his duties in the 50th paragraph of the Court's Report for 1842. A large number of appeals (42) from his decisions were under trial, when the year closed, so that it may perhaps be premature to deduce conclusions, unfavorable to his judgment, and ability generally, from the bare fact of his order having been upheld in only 2 out of 6 cases adjudicated by the Judge during the past year.§

† 300 per annum.

§ One case which came before the Sudder Dewanny Adawlut in Special Appeal from Mr. C. F. Thompson's judgment was sent back by remand.

68. Mahomed Alee Nukee Yawur, after a long course of judicial service, in which he has achieved honorable distinction, and attained to the highest and most respectable position, has been at length compelled, by certified infirmity of health and a disorganized constitution, to apply for permission to retire on a superannuation pension, the correspondence connect-

ed with which is referred to in the margin: * it may, therefore, be unnecessary to allude with any degree of particularity to occasions during the past year, when the Court found it advisable to notice the considerable number of miscellaneous cases, older than a twelvemonth, which the quarterly revision of Statements shewed to be depending on his file, and to animate him to increased exertion by observing, that the inadequate occupation afforded by the regular business of his Court left him ample leisure, and opposed no obstacle to the speedy and punctual despatch of miscellaneous work; the efficacy however, of these occasional injunctions is apparent in the diminution of arrear, effected by the close of the period under review.

* My letter No. 1218, dated 10th July, 1844.

69. The superannuation of Kuramut Alee, the Moonsiff of Etawah, the death, on the 20th November 1843, of Tewaree Lokenath, Moonsiff of Phuppoond, mentioned in a preceding paragraph, as well as the deputation,† of Moolvee Mahomed Kureem Koolee, Moonsiff of the City to Allygurh, as Officiating Principal Sudder Ameen, the intermediate substitution of an officer comparatively unapt and inexperienced, and the absence of Moolvee Mahomed Abdool Hafiz Alee Khan, of Suhawur, for three months on sick certificate, might have interfered materially with the judicial and executive operations in the tribunals of the lowest grade, had not the paucity of suits instituted, and of applications in the miscellaneous department, been such, as to counteract the tendency and possible effect of these causes. In 1842, the performances of the five Moonsiffs located in this District, amounted to the decision on trial of 1332 regular suits, and the full or partial execution of 754 Decrees; during 1843, they determined on trial 1086‡ suits, averaging about 217 to each Officer; and struck off after full execution 337 applications for enforcement of Decree, 346 others having been likewise partly satisfied, and a large quantity of miscellaneous business, more or less connected therewith, disposed of; if, as must be admitted, the result appear insufficient, and contrast unfavorably with that accomplished in 1842, the falling off on the other hand in the number of regular suits brought on the file, to the extent of 369, and the inconsiderable arrear, left undisposed of at the close of the year, no less than the diminution thereof, in the regular department, by 52, and in the branch of execution of Decrees, by 111 cases, must be adverted to, as tending the former to explain this decadency, and the latter to prove, that the diligence of the Moonsiffs has not declined with the diminution of the necessity for its exercise.

† My letter No. 1304, dated 14th Sept., 1843. Secretary's reply, No. 4654, dated 12th October, 1843.

* *Of which decided*
Exparte, ... 225
Ikbal Dava, ... 474
699

70. In the marginal memorandum is exhibited the aggregate number of Appeals from the decisions of the Moonsiffs, which were brought to trial and adjudicated by the Judge and Principal Sudder Ameen, and the proportion, both individually and collectively, in which the orders of the inferior Court were allowed to stand unaltered, appears to denote defective judgment, or careless investigation, or both; as regards the Moonsiffs of Etawah and Phuppoond, whose judicial character, as estimated by a competent Judge, has been mentioned in a preceding paragraph, and the Moonsiff of Suhawur, who has never been conspicuous for ability, no more favorable result could have been expected, but

	Confirmed.	*Reversed or Modified.*	*Proportion of Reversals to Number tried.*
Moulvee Mohomed Kurreem Koolee, Moonsiff of Mynpooree	29	22	43 per cent.
Mohomed Ahsun, Moonsiff of Shekoabad	10	7	41 per cent.
Ubdool Hafiz Alee, Moonsiff of Suhawur	25	19	43 per cent.
Kuramat Alee, Moonsiff of Etawah.	26	33	56 per cent nearly.
Tewaree Loknath, Moonsiff of Phuppoond	18	11	38 per cent nearly.
	*108	†92	46 per cent.

By Judge.	*By P. S. Ameen.*	
* 23	85	108
† 15	77	92
		200

it is difficult to account for an equally unfavorable termination of Appeals from the decisions of Moolvee Mahomed Kurreem Koolee, and Mahomed Ahsun, of Mynpooree and Shekoabad, respectively, the estimation, in which the former is held, being testified by his deputation* to a neighboring District as Officiating Principal Sudder Ameen, and the latter† having been on former occasions, described as "an industrious and attentive officer," and having satisfied the Sudder Judge, Mr. G. P. Thompson, of his qualifications, when he visited this District on Circuit in the cold weather of 1842-43. An opportunity has recently offered of recompensing the services of Moolvee Mahomed Kurreem Koolee, by his promotion‡ to the office of Sudder Ameen of Meerut, vacated by the retirement of a superannuated incumbent.

* Letter from Secy. to Government, No. 4654, dated 12th October, 1844, cited above.

† Paragraph 53 of Court's Report for 1841, and Paragraph 51 of Court's Report for 1842.

‡ My letter No. 468, dated 19th March, 1844.
Your reply, No. 1497, dated 20th April, 1844.

71. The obnoxious practice, denounced in the 51st paragraph of the Civil Report for 1842, of parties preferring complaints against the subordinate Judicial Officer, and subsequently relinquishing the prosecution, either by reason of their conscious inability to establish their imputations of official misconduct, or of their yielding to the dissuasive arguments and acts of a "corrupt functionary," will, it is hoped, cease to have existence under the operation of a Circular Order,§ issued towards the close of last year, authorizing the Judges, on presentation of accusatory Petitions, to demand security for the continuance of the prosecution ad finem from complainants, whenever there may be reason to suppose, that they are actuated by malicious or unworthy motives. Another evil, incidentally brought to light by the abstraction of records from a bundle of monthly decisions, while in transit from the Moonsiffs Court at Shekoabad to the Mynpooree Record Office, has been remedied by the introduction with the sanction of Government of an uniform system of transmission through the agency of the Police, which will probably obviate the recurrence of accidents such as that, to which the foregoing remarks and the correspondence particularized in the margin|| have reference.

§ No. 1878, dated 28th September, 1843, and published in Government Gazette of 17th October, 1843, No. 42, Page 414.

|| My letter No. 1474, dated 5th August, 1843.
Your reply No. 1378, dated 13th April, 1844.
Circular Order, Sudder Dewanny Adawlut No. 713, dated 23rd April, 1844, copy of which was forwarded under Docket, No. 737, of the same date.

72. Means have been taken by the Judge, Mr. C. F. Thompson, to correct the defects in the proceedings of the lower courts, and to enforce obedience to the injunctions, and legal enactments, pointed out in my letter No. 1562, dated 14th August, attached in Appendix I to the Court's Report for 1842.

73. Although the Court, in their progress towards Agra, passed through the District of Mynpooree, it was deemed unnecessary with reference to Mr. G. P. Thompson's recent visitation, to enter into any detailed examination of judicial proceedings, or to inspect the arrangement of the records of this Judgeship, which, with other matters, were fully accomplished on the occasion alluded to.

CAWNPORE.

74. The Civil business in this District is represented to be in a satisfactory condition by the accompanying returns; with a decrease of 466 in the number of suits instituted, and of 779 in the number under trial, before all the Courts, as compared with the year 1842, some diminution in the quantity of business disposed of could not have been avoided, and the extent of that diminution does not

JUDGE.	
Headings Nos. 1 to 14	732
,, ,, 15 to 17	8,630
	9,362

PRINCIPAL SUDDER AMEEN.	
Headings Nos. 1 to 14 ..	752
„ „ 15 to 17 ..	1692
	2444

appear to be larger, than might have been anticipated. The decisions, after trial, were fewer by 482, and the arrear on the general file also smaller by 192, than at the end of the preceding year, while the cases of longer standing than one year were limited to 8 original suits and 2 appeals, and in the miscellaneous department, to the applications for execution of Decree detailed in the margin :* if to this be added, that, by the end of March, the number of the former had been reduced to two original suits, remanded to theLower Court in that Month, and one appeal before the Judge, which was determined shortly after, the assertion above advanced of the efficiency of the administration in this District will not be disputed, neither will the improvement, apparent in the reduction of long standing cases, as compared with the state of the files at a corresponding period of 1842, when 10 regular and 23 miscellaneous cases awaited decision, be denied. Such being the result, it may be needless to advert to occasions, when it appeared expedient, with a precautional view, to analyze the proceedings of the lower Judicial tribunals in this District, connected with cases of the above nature, and, while pointing out the delays and irregularities observable therein, to impress upon the Judge the necessity of maintaining a careful supervision over the acts of his subordinates. By Mr. Speirs, 210 regular cases, all appeals, were decided on trial, and 486 cases and petitions under the first fourteen Headings of Statement No. 2 were disposed of, after investigation of the merits, besides 8,630 orders, appertaining to the matters described in the remaining three headings; in the former section of miscellaneous work are comprised 14 Decrees completely executed, and 16 others partially enforced, the limitation of Mr. Speirs labors, in this respect, being assignable to the operation of Act VI. of 1843, which enacts "that decrees passed in the Court of the Judge, in cases of appeal from the decisions of the Sudder Ameens or Moonsiffs, shall be executed by the Courts, in which the original decisions were passed." Sessions and Criminal duties occupied 91 days, and Mr. Speirs was incapacitated by illness and other causes from attending Court during 17 days of the past year. Of 14 cases decided with the aid of a Jury, their verdict was coincided in by the Judge in all but one.

* Principal Sudder Ameen, ...	2 of 1842	2
Sudder Ameen, .. 1 of 1841	1 of 1842	 2
Moonsiff 1st Division, ...	2 of 1842	 2
Moonsiff 3rd Division, ...	1 of 1842	 1

75. In the office of Principal Sudder Ameen there were mutations of incumbency, which it seems desirable to notice, before entering on an examination of the business, brought to a termination in that Court during the period under report. Mahomed Hukeemoddeen Khan was in charge until the 26th April, (being subsequently removed* to Benares, and ultimately permitted to retire on a Superannuation Pension,†) and was succeeded by Khadim Hossein Khan, who, continuing to perform the duties of Sudder Ameen until the end of June, likewise officiated as Principal Sudder Ameen during that period, and further until confirmed in the higher appointment by the orders of Government, dated 13th‡ July, 1843. These Officers jointly decided on trial 145 suits, of which 61 were original suits, and 84 Appeals, and passed orders on the merits of 404 cases under Headings 1 to 14, of Statement No. 2, including 146 Decrees fully carried out, according to the distribution marginally§ noted, while the arrear in both departments was considerably less at the end than at the beginning of 1843. It may be sufficient, as regards the termination of regular Appeals from this Court tried by the Judge, to remark, that the decisions of Hukeemoddeen in 30 tried, met with confirmation and reversal in equal proportions; which, though more favorable than in 1842, leaves little room to

* Register's letter, No. 551, dated 17th March, 1843.
Mr. Secretary Hamilton's reply, No. 1,846, dated 12th April, 1843.

† My letter, No. 1,815, dated 14th September, 1843.
Mr. Secretary Hamilton's reply, No. 4,791, dated 21st October, 1843.

‡ Vide Mr. Secretary Hamilton's letter, No. 3,253, dated 13th July, 1843.

§ *Statement No. 1—Regular.*

Hukeemooddeen,..	36
Khadim Hossein Khan, ..	109
	145

Statement No. 2—Miscellaneous.

Hukeemooddeen,..	114
Khadim Hossein Khan, ..	290
	404

doubt the inaccuracy, possibly, the infirmity, of his judgment. The result of Special Appeals, tried by the Judge from the decisions of Hukeemooddeen in regular Appeal, is still more unfavorable, 9 having been confirmed, to 24 reversed. During the year, also, one regular and eleven special Appeals from orders passed by Khadim Hossein Khan in the capacity of Principal Sudder Ameen were tried by the superior Local Court, his decision in the former being upheld, and in 8 of the latter upset. The changes in the Sudder Ameen's Court, which took place during the period under report, have been incidentally noticed in the foregoing part of this paragraph, and it is only necessary to add on this head, that Pundit Saligram, appointed to officiate as Sudder Ameen of Cawnpore, under the orders of Government dated 20th May 1843, commenced judicial operations on the 1st July, and of 149 suits determined on trial in this Court, decided 68, besides bringing to a termination a fair proportion of miscellaneous business, after investigation of the merits, as represented in the marginal memorandum :* of his qualifications as a Judical Officer it may be premature, by reason of the recency of his appointment, to form an opinion, but as he served in the same capacity prior to his employment as Pundit of the Cawnpore circle, and, on the abolition of that office, agreeably to Government Orders, dated 11th April 1843, only reverted to his pristine occupation, there is reason to hope, that, after acquiring an adequate knowledge of the laws and rules of practice, introduced during the interval of his removal from the department, he may be found fully competent to discharge the duties now devolving on him. In regard to Khadim Hossein Khan, the result of appeals from the decisions, pronounced by him as Sudder Ameen, is not very favorable, but Mr. Speirs remarks in his favor, that, when cases had been fully investigated, he generally agreed with him, and that several of the orders reversed related to minor points, such as the adjudgment of interest, which "for, insufficient reasons he had refused to award," "while the orders on the most important points were not disputed": the Judge expresses himself "satisfied" with this officer.

Vide.—Mr. Secretary Hamilton's letter No. 2538, dated 20th May.

* *Statement No. 3.* — *Of which decrees completely executed.*

On merits, ...	309	146
Khadim Hossein Khan,..	139	
Pundit Saligram, ...·	170	
	309	146*(a)*

(a) Of this no detail is given in the Statements.

76. As the individual performances of the five Moonsiffs, employed in this district, are separately noticed in the 13th paragraph of Mr. Speirs' Report, and as it is there shewn, that, owing to various causes, the agency of the whole body was in operation for about five and a half months only, there can be no need, to do more in the present place, than state the aggregate amount of business, both regular and miscellaneous, dispatched by them; this consisted of 1179† regular suits decided on trial, (or less by 261 than in 1842), and of 1540 miscellaneous cases brought to a termination on their merits, the latter being inclusive of 540 decrees, completely enforced, and 363 others partially executed. The diminution‡ in the number of decisions ex-parte and on confession of judgment, as well as the reduction§ of arrear apparent, as compared with 1842, are regarded as favorable features by Mr. Speirs, the Judge, who declares himself "generally satisfied with the diligence of the Moonsiffs," at the same time expressing his opinion, that "they would have decided more cases, had there been more on the file to decide." The result, denoted by the trial of 173 Appeals from the decisions of the Moonsiffs, which were interfered with in 74, or about 42 per cent., indicates defect of judgment, or insufficient care in investigation, but it must be borne in mind, as stated in the Court's last Report, that of these 81‖ were heard and determined by the two Principal Sudder Ameens,

† *Of which decided*

Exparte, ...	246
Ikbal dawa, ...	432
	678

‡

1842	Exparte,..	478	
	Ikbaldawa,	416	
			894
1843	Exparte,..	246	
	Ikbaldawa,	432	678
	Decrease,		216

§

	Pending.
1842, ...	360
1843, ...	245
Decrease,	115

‖

Confirmed	*Reversed or modified.*
39	81

whose judgment is represented in rather an indifferent light by the circumstances noticed in the preceding paragraph; the inferential conclusions arrived at, by a comparison of orders affirmed with those reversed, must be qualified by reference to this fact, no less than by advertence to the proportion, borne by Appeals instituted (283), to the aggregate number of cases (1179*) determined on trial,—which does not exceed 24 per cent.

* Decided on confession of judgment,..	432
Ex-parte, ...	246
By trial on merits,..	501
	1179

77. Ten Special Appeals were heard by the Sudder Dewanny Adawlut, during the past year, Mr. Speirs' order having been confirmed in 3, reversed or modified in 4, while 3 cases were sent back by remand, and one met with dismissal: in 3 regular Appeals from the decisions of the Principal Sudder Ameens, similarly determined by the Sudder Dewanny Adawlut, one was remanded,† another adjusted,‡ and a third dismissed.

† Mahomedan Hukeemoodden,.. ..	2
‡ Khadim Hossein Khan, ...	1

78. With reference to the 18th paragraph of his Report, containing certain observations regarding the Registry of Deeds, Mr. Speirs has been apprized, that this subject, the importance of which has been enhanced by the passing of Act. XIX. of 1843, is under the consideration of Government, and that in the instructional rules, which are expected shortly to be issued, provision will be made for the revival of that legal provision, which requires the preparation of Annual Indexes,§ and which, in the lapse of time, has fallen into desuetude; the Court have declined to exercise any active interference in regard to Fees receivable by Kazees for registration, thinking that the remuneration of those individuals, for any official acts performed by them, should be determined by mutual agreement. Mr. Speirs has been further informed, that, regarding the purport and application of existing rules, defining the duties and remuneration of Ameens (which he thinks "not quite clear") no doubts have been suggested, nor has any difficulty in giving effect to them been hitherto brought to notice, but that it is optional with him, if he think fit, to specify those parts, which appear to him of doubtful signification, stating, at the same time, wherein those doubts consist, and how far the practical operation of the rules has been prejudiced by their existence. In the 22nd paragraph of the Judge's Report, allusion is made to the progress made, and the expense‖ incurred in the re-arrangement of the records of this Judgeship on an approved plan, and the possibility of completing the adjustment, to the extent desirable, is suggested, conditionally on the outlay of a sum, equivalent to that already disbursed, being sanctioned; Mr. Speirs has been desired, on this point, to make a separate application, if he deem such fitting, on receipt of which the Court will be prepared to solicit the aid of Government in the execution of his project.

§ Section 9, Regulation XX. of 1812.

‖ Rupees 365

79. During the past year, a question connected with the execution of certain Decrees, passed by the Civil Courts against the Mokuddums of Talooka Sheorajpore in this District,¶ formed the subject of discussion in the correspondence marginally particularized,** and has since, it is supposed, been referred to the consideration of the Revenue department, with which the Honorable the Lieutenant Governor seemed to think it connected.

¶ Represented by Mr. Speirs in a former Report (for 1841) as inflicting serious hardship upon them.

**Mr. Secretary Hamilton's letter, No. 2905, dated 31st December, 1842.
My letter in reply, No. 833, dated 27th April, 1843.
My letter, No. 1354, dated 14th July, 1843.
Mr. Secretary Hamilton's letter, No. 1043, dated 21st September, 1843.
My letter in reply, No. 1938, dated 7th October, 1843.

80. The Judge's Office at Cawnpore was visited officially, the arrangement of the records inspected, and the Moonsiffs attached to this jurisdiction were personally examined,

by Mr. B. Tayler, a Judge of this Court, who, leaving Allahabad in advance of the Court, after scrutinizing the office of that Judgeship, diverged from the direct road, to Bandah, and included Futtehpore in his visitation. In pursuance of the wish expressed by the Court of Directors in their despatch, dated 26th July, 1843, Mr. Tayler's notes are appended (F) for the information of Government.

FUTTEHPORE.

81. Civil business seems to be decreasing in this District, there having been fewer cases brought before the Courts than in 1842, by 144, while on the general file, a diminution of 256 is perceptible; no exception, therefore, can be taken to a falling off in the number of regular decisions on trial to the extent of 137, especially, as the arrear at the close of 1843 was smaller by 102, than at its commencement, and included no regular suits, of longer standing than one year; in the miscellaneous department some improvement, as compared with 1842, is observable, seeing that the cases, appertaining to years prior to 1843, were few, being confined to two appeals under Regulation VII. of 1825, and two applications for execution of Decree before the Judge, and one of the same nature on the file of Emadool Hussun, the Moonsiff of Jehanabad; the Petitions of Appeal were disposed of early in the present year, and the process of execution in the two cases of the Judge's Court was stayed, pending the completion of sale of property;—notwithstanding this amelioration, however, comparatively with the state of miscellaneous business at the end of 1842, when "21 applications for execution of Decree, appertaining to 1841" were still undisposed of, the results obtained were not considered satisfactory by the Judge of this Court, who revised the monthly statements, and who objected to the dependence of numerous Appeals under Heading 4 of Statement No. 2 in the Judge's Court, and animadverted on the appearance of 55 cases of objections, preferred in the course of execution of Decree, on the file of the Principal Sudder Ameen; it was also noted to the Judge, as barely admitting of excuse, that any cases of any description should remain undecided for a period exceeding twelve months (remanded suits and other extraordinary contingencies being excepted) in a District, where the Civil business instituted is insufficient to give full employment to the constituted judicial agency thereof, and he was exhorted to use his best endeavors towards the removal of this reproach from his administration.

Judge.	
Headings Nos. 1 to 14 ..	341
" " 15 to 17 ..	3944
	4285

Principal Sudder Ameen.	
Headings Nos. 1 to 14, ..	466
" " 15 to 17, ..	664
	1180

82. Various changes occurred, during the past year, in the incumbency of this Judgeship, which was held by the Officers and for the periods named in margin,* the Principal Sudder Ameen, also, having had charge of the current duties of the office during the period, which intervened between Mr. Boulderson's departure and Mr. Fagan's arrival. Sittings were held on the Civil side for 183 days, and 149 regular suits (2 original and 147 Appeals) were brought to decision in this Court after trial, the disposal of 233 miscellaneous cases under the first fourteen headings of Statement No. 2, after investigation of the merits, and the examination of 3,930 orders on various subjects included in the remaining headings, being superadded: the share, taken by each of the officers above named in the dispatch of this amount of business, may be compendiously

* Mr. R. H. S. Campbell, from 1st January to 3d January.
Mr. H. S. Boulderson, from 4th January to 22nd February.
Mr. C. W. Fagan, from 2nd to 22nd March.
Mr. W. H. Benson, from 23rd March to 13th August.
Mr. J. Lean, from 14th August, to 13th November.
Mr. W. H. Benson, from 14th November to end of year.

represented by the marginal Tabular Statement,* which also exhibits the number of Decrees struck off after full or partial execution. Criminal business occupied 65 days. These changes, although they have not interrupted the transaction of business in the Judge's Court, have had an injurious effect in disturbing the *continuous* supervision of the Lower Courts, which is so needful, and which cannot be expected to be maintained with adequate vigor, except the tenure of office be sufficiently certain and prolonged, to give interest to the work of superintendence by the assurance of seeing its ultimate fruits, and to permit the acquisition of local knowledge, and personal acquaintance with the subordinate Judicial Officers; the occasions, therefore, have been frequent, on which the want of diligence evinced by some of them, but more particularly by Emadool Hussun, the Moonsiff of Jehanabad, has formed the subject of comment, and more than once, of reprehension.

* Names of Officers.	Number of Sittings.	Regular decisions.	Miscellaneous cases.		Execution of decrees.
			Headings 1 to 14	Headings 15 to 17	
Mr. Campbell, ...	2	0	0	0	0
Mr. Boulderson, ...	24	22	50	689	15
Mr. Fagan, ...	7	10	5	329	2
Mr. Benson, ...	114	94	139	217	20
Mr. Lean, ...	30	23	39	738	0
P. S. Ameen in charge,	6	0	0	0	0
	183	149	233	3930	37

83. The Principal Sudder Ameen, Moolvee Mahomed Shukoor, was exclusively occupied, as far as the regular department is concerned, in the trial of original suits, 78 of which he adjudicated on the merits, leaving only 23 pending, when the period under review terminated: his aid was not resorted to either in the hearing of Appeals or in the trial or preparation of Criminal cases, but, in the miscellaneous branch, his performances were not objectionably inadequate, comprising, as they do, the determination, by orders passed on the merits of 364 miscellaneous cases under Headings 1 to 14 of Statement No. 2, (of which 124 were Decrees fully, and 44 partly carried out to execution,) and 655 orders on proceedings, Petitions and Reports, classified under the 15th, 16th and 17th Headings of the same Statement; notwithstanding this, the arrear of miscellaneous cases under the fourteen Headings was larger by 17 cases at the close, than at the beginning of 1843, but all of them were brought on the file within the year. As regards the quality of his work in the regular branch no favorable impression can be derived from the mode, in which 33 Appeals from his decisions, adjudicated in the Judge's Court during the past year, terminated, 14 only of the whole number having ended in the confirmation of the Principal Sudder Ameen's order; the modification, too, of his decisions in four regular Appeals made direct to the Sudder Dewanny Adawlut, leads to similar conclusions, and the estimate, *apparently* formed by Mr. Benson, of this Officer's ability and conduct, combined with the facts and inferences above stated, leaves little room to regret his secession fromjudicial employment, as sanctioned by the orders of Government, No. 2193, dated 10th June, 1844.

84. With reference to the expectation, expressed in the 31st paragraph of Mr. Secretary Hamilton's letter, No. 5352, dated 30th November, 1843, Mr. Benson was expressly directed to advert particularly to the character of Moolvee Mahomed Shukoor's proceedings, and to record in the Report for 1843, his opinion, not only, of "his judicial fitness generally," but also of his exertions during that period, and should, the Court cannot but remark, have fulfilled these instructions, and declared his sentiments in terms less equivocal than the following: "Some inconsistencies in the Decrees of this Officer may be attributed to his state of health acting on a mind not naturally strong; other matters objected to in his proceedings have, as noted in the remarks appended to his application (for Pension), been the result of the state of the Law, aided, not a little, by a spirit of chicanery and artifice, which is eminently conspicuous in the law proceedings in this district." The latter section of this remark, it may be incidentally observed, has reference to the system of collusive decrees, which is said "to have obtained ground in this District," but the Court are left to conjecture, how far, in Mr. Benson's view, the "chicanery and artifice," by which

this system has been fostered, receive the countenance and encouragement of the Principal Sudder Ameen, as suspected by Mr. H. S. Boulderson, his predecessor, and seeing that the Principal Sudder Ameen has been permitted to retire on the Pension, which he solicited, it may be useless to seek from Mr. Benson an elucidation of his remark.

85. It is questionable, whether the state of the Moonsiffs' files during the past year would have permited the decision, on trial, by the three Officers of this grade, of more than 712 suits, of which 129 were determined "exparte" and 326 "on confession of judgment," for, when the year ended, only 153 suits awaited disposal in these tribunals, and of these 71, or nearly half, were depending on the file of the Futtehpore Moonsiff, while none were older than a twelvemonth, and 84 fewer cases were pending at the end than at the beginning of 1843: by these functionaries, also, 385 applications for execution of Decree were struck off after full enforcement, and 178 others partially settled, those awaiting completion at the close of the year, being less numerous by 134, than at a corresponding period of 1842, and 387 other cases, of a miscellaneous character were likewise disposed of after enquiry into the merits. Such being the quantity of work despatched, by the three Moonsiffs, the quality thereof, as shewn by the result of Appeals from their decisions remains to be noted, together with such observations regarding the official reputation, and efficiency of each, and regarding prospective mutations of incumbency, as may seem fitted to illustrate the occurrences of the past year. First, then, as respects the judgment evinced by these Officers severally and collectively, the marginal* table appears to shew that of Nundloll, the Moonsiff of Futtehpore in the most favorable light, while the manner, in which the appealed orders of the two others were dealt with, represents their judicial aptitude and ability in an aspect, no less unfavorable, than the statiscal facts and observations, contained in former Reports, have exhibited them. Nundloll has disposed of a larger amount of business, both regular and miscellaneous, than either of his coequals, and notwithstanding that "his decisions are occasionally open to animadversion," he is considered by Mr. Benson the most capable and useful Moonsiff in the Futtehpore jurisdiction; it was, therefore, with no desire to expose this Officer to unmerited privation of office, that the abolition of the Moonsiff's Court at Futtehpore, and the incorporation of its duties with those of Principal Sudder Ameen was suggested, but solely with reference to the supposed redundancy of the judicial agency available at the Sudder station: to this proposition Mr. Benson, the Judge, has affirmatively replied in the eleventh paragraph of his Report, but, though he admits the practicability, he appears to question the expediency of the measure, considering its successful operation to be mainly conditional on the appointment of "a clear-headed man, of unimpeached character," in succession to Moolvee Mahomed Shukoor, the retired Principal Sudder Ameen: adverting to the somewhat dubious character of Mr. Benson's acquiesence in the proposed junction of offices, to the contingency, on which effective or beneficial results would seem to depend, and the color given to this presumption by the fact of the income of Civil business in the Futtehpore Moonsiffee being much in excess of that brought forward in any other, the Court will for the present relinquish the suggested reduction of the judicial establishments at Futtehpore; the subject, however, will be borne in mind, and will be revived in some form or another, if the necessity or the advisableness thereof become apparent.

	Confirmed.	*Reversed.*	*Per centage of reversals to trials.*
* Nundloll, Moonsiff of Futtehpore,..	29	16	35 per cent.
Emadool Hussun, Moonsiff of Jehanabad, ...	11	14	56 per cent.
Kadur Buksh, Moonsiff of Hutgaon,	25	19	43 per cent.
	65	49	43 per cent.

86. Of the two remaining Moonsiffs, it is not possible to report favorably: Sheikh Kadur Buksh, Moonsiff of Hutgaon has been frequently blamed during the past year, for insufficiency of application and energy, and for the permission of sundry irregularities and

delays in the conduct of business, but much of this is ascribable, it appears from the Judge's Report, to the infirmities of increasing age, and defective vision, ailments, which have at length necessitated his abandonment of official life, and application* for Pensionary support. Of Emadool Hussun, the Moonsiff of Jehanabad, the Court regret to observe, that his activity and judgment are equally defective; during the past year, it has been found unavoidable to find fault repeatedly, not so much with the numerical insufficiency of his decisions in regular suits (for that is in some measure explained by the lightness of his file,) as with his habitual inattention to the miscellaneous branch of his duties, and his failure to give becoming consideration to the warnings and remonstrances of the Court, communicated on revision of the periodical Statements: no improvement, no prospect thereof even, being apparent, notwithstanding the intimation to Emadool Hussein, of the Court's intention, in that event to remove him from judicial employment, ulterior measures have been initiated, but before carrying them into execution, an opportunity has been given to him of vindicating his conduct by the submission of such explanation, both general and particular, as he may desire to offer for the consideration of the Court at large. Extract from my letter† on this subject is appended, (G) and the termination of the matter will be communicated, if made known before the completion of this Report; in the meantime, the estimation, in which that Officer is held by Mr. Benson, may be gathered from the following Extract from his Report; "the character of his decisions does not correspond time, which he appears to devote to them, and they are frequently wanting in judgment. Imputations have been thrown out against his character, which, though they come from a very suspicious source, have been considered worthy of further investigation, especially with reference to the proceedings of persons attached to this Moonsiff's Court:" the Judge will be required to report the result of his enquiry for the information of the Court.

* My letter, No. 1,123, dated 19th June, 1844. Your reply, No. 2,484, dated 1st July, 1844.

† Paragraph 2, No. 994, dated 5th June, 1844.

87. Mr. Benson, while explaining in the 7th Paragraph of his report the supposed origin of the large number of decisions in the native tribunals of this District, passed on confession of judgment, reverts briefly to the question of collusive Decrees, regarding which no special remarks, in addition to those contained in the 60th paragraph of the Court's Report for 1842, seem to be required; the magnitude of the evil, and the difficulty of its prevention, or remedy, are admitted, but the discussion of the subject, in this place, is rendered unprofitable, by the fact of its having been referred,‡ for the consideration and determination of superior authority; similarly, the Court deem it premature to revive the question of "Huq Morafiq," or to found any instructions upon the suggestions, offered in the 17th Paragraph of Mr. Benson's address, until favored with the communications of the sentiments of the Sudder Board of Revenue, North Western Provinces, promised in the 6th paragraph of your letter, No 1235, dated 3rd April last. The remarks, made by the Judge in his 16th paragraph, do not carry with them such force, or conviction, as to induce the Court to recal or modify the instructions recently § issued, for regulating the distribution of available assets among several claimants, agreeably to the principle asserted by the Sudder Dewanny Adawlut, in their Constructions of Law, which are marginally enumerated.

‡ My letter No. 831, dated 4th May, 1844.

§ Circular Order Sudder Dewanny Adawlut, No. 312, dated 15th February, 1844 and published in Gazette of 5th March, 1844, No. 18, Page 63.

No. 935, and 1046 dated respectively 22nd February, 1835 and 21st October, 1836.

BUNDELKUND.

88. The returns from this District for the past year have been submitted with a Report, by Mr. Lean, who officiated as Judge from the 1st January till the 6th August, and again from the 12th to the end of December, the duties during the intervening period having been performed by Mr. R. J. Tayler, the *then* permanent incumbent; as regards the income and disposal of suits, the state of Civil business was not materially different at the close of 1843, from that which existed at a corresponding period of 1842: there was a slight increase in the number of suits, both instituted (165) and under trial (84) during the past year, and the disposals were likewise in a trifling degree more numerous, (88) while the depending arrear was much the same, a decrease of 4 only being apparent; this arrear comprised 2 original suits, (1 before Principal Sudder Ameen, and 1 on the file of the Teroha Moonsiff) and 10 appeals older than a twelvemonth, all of which, with one exception, awaited decision in the Judge's Court: with respect to these cases, it may be added, that the original suits had been sent back to the Lower Courts by remand, and that, of the appeals 6 were brought to a termination early in this year, one was "ready" for adjudication, and that before the Principal Sudder Ameen, had been remanded towards the close of 1843, while with reference to the miscellaneous cases, of similarly protracted duration, of which a marginal * detail is given, nearly all had been disposed of before the end of March, their appearance on the Judge's file at the close of December being attributed by Mr. Lean to his compulsory absence from Court, on account of indisposition, for 38 days. In the Judge's Court, (122 days being occupied in Civil duties,) 84 appeals were adjudicated, and 167 miscellaneous cases, under the first fourteen headings of Statement No. 2, were disposed of, after investigation of the merits, in the proportions noted marginally;* due regard being had to the state of business at the close of the year, the lightness of the files during its progress, and the comparatively heavy Sessions and Criminal duties of this Judgeship, which engrossed 93 days, a larger amount of work could hardly have been accomplished, but the Judge of the Court, who reviewed the Statements for the quarter ending in December, thought it needful to advert to the arrear, older than a twelvemonth, apparent on the Judge's file, as objectionable, and only abstained from animadversive notice, in the hope of early improvement being manifested, a hope, which has not been disappointed, as testified by the results represented in more recent Statements.

Judge.	
Headings No. 1 to 14	474
,, ,, 1 to 17	1289
	1763

Principal Sudder Ameen.	
Headings Nos. 1 to 14	480
,, ,, 15 to 17	526
	1006

* *Statement No. 2,*

	December.	*March.*
Heading 1	7	0
Heading 6	2	0
Heading 8	2	0
Heading 10	1	1
Heading 11	1	1
Heading 17	56	0
	69	2

* *Regular Files.*

Mr. J. Lean, ...	56
Mr. R. J. Tayler, ...	28—84

Miscellaneous Files.

Mr. J. Lean, ...	140
Mr R. J. Tayler, ...	27—167

89. In two regular appeals heard by the Court, Mr. Lean's order was, in one modified, and the other case was remanded.

90. The decisions on trial by Mooftee Ghoolam Mahomed Principal Sudder Ameen, amounted to 118 suits, of which 78 were original, and 110 appeals, somewhat larger than in 1842, when 169 were adjudicated; his failure to attain to the minimum standard is fully accounted for by the paucity of suits referred to him, and by the insignificant number, which required a decretal or final order at the close of the year; orders were also passed by the same officer on the merits of 183 miscellaneous cases under Headings 6, 10, 11, 12, and 13 of Statement No. 2, including the full execution of 152 Decrees, considerable aid having been at the same time rendered to the Magistrate, by the disposal of 89 Criminal trials, and 49

other applications of a miscellaneous nature, connected with the Criminal department. 51 Regular and 12 special appeals were tried by the Judge, who confirmed the Principal Sudder Ameen's order in 33, or 64½ per cent, of the former, but in 3 only of the latter, yielding a proportion only of 25 per cent, to the whole number of this class tried; this result appears to denote either want of deliberation, defective judgment, or insufficient investigation, chiefly the latter, as 15 of 18 regular cases, which terminated in reversal, were sent back for reinvestigation: nevertheless Mr. Lean considers him "on the whole a good Judicial Officer," and adds that he bears" a high character for probity, and is very attentive to his duties." No appeals from this Officer's decisions were heard by the Sudder Dewanny Adawlut. The notice taken by the Court in the course of the past year of the inadequate attention, bestowed by the Principal Sudder Ameen on the duties of the miscellaneous branch, seems to have been productive of a salutary effect in stimulating him to that degree of exertion, which has accomplished the partial or entire enforcement of 177 Decrees, and left only 18 applications, with that object, for future disposal: of the four, which had been depending upwards of a twelvemonth, 3 awaited the sale of property in execution, and no blame is charged against the Principal Sudder Ameen.

91. By the three Moonsiffs, employed in this jurisdiction, 708* suits were brought to decision on trial, the prescribed standard of monthly decisions not having been attained by any of these Officers, which is ascribable, apparently, to the insufficient occupation afforded by the business instituted in their courts, in which only 177 cases awaited determination at the end of 1843; in the miscellaneous department orders were passed on 809 cases, after investigation of their merits, 229 decrees fully, and 48 others partly executed, being included therein. This seems to justify the revival of a proposition, alluded to in the Court's last Report, as having been negatived by Mr. Lean, for the reduction of the subordinate judicial agency by the abolition of one Moonsiff's Court, and the present Judge, Mr. Geo. Lindsay, will be requested to favor the Court with his opinion on this point. In regard to the performances of the Moonsiffs, no remark suggests itself, other than the large proportion of cases decided exparte, and on confession of judgment, which, the Court observe, Mr. Lean has not endeavored to explain, and the superiority in regard to the quantity of business, in the regular branch, transacted by Luchmun Pershaud, the Moonsiff of Banda, who receives the higher scale of allowances, authorized by the Resolution of Government, dated 2d October, 1837. An extract from the Statement of Appeals is inserted in the margin,* and exhibits an equal proportion of confirmations and reversals, which cannot be regarded as other than unusually unfavorable; notwithstanding this, however, "the judgment and knowledge of law," possessed by the Moonsiff of Banda are so highly appreciated by Mr. Lean, as to induce a recommendation for his promotion to the office of Sudder Ameen, and "the judicial characters" of the other two functionaries are said to be "tolerably good," conclusions, in which the result of Appeals from their decisions, both in this and foregoing years, renders it difficult to coincide.

Exparte,..	181
Ikbal Dawa,.. ..	242
	423

	Confirmed.	*Reversed or modified.*
*Luchmun Pershaud, Moonsiff of Banda,..	28	27
Mashooq Alee, Moonsiff of Teroha,....	20	20
Neamut Ushruff, Moonsiff of Julalpore,	18	18
	(a) 66	(a) 65

	Confirmed.	*Reversed or modified.*
(a) By Judge,..	14	7
By Principal Sudder Ameen,.. ..	52	58
	66	65

92. No suits were decided in this district with the aid of Jurors, or Assessors.

93. Some cases, decided by Mr. Lean, which were brought under the consideration of the Court either extra-judicially, or by the presentation of miscellaneous petitions, and were

removed from the appellate jurisdiction of the Sudder Dewanny Adawlut, indicated some irregularities of procedure, and occasional deviation from legal principles, which Mr. Lean did not succeed in explaining to the satisfaction of the Court: to his avowed inexperience in judicial business, at the time, when these decisions were passed, the eccentricities alluded to may be ascribed, and further comment may be dispensed with, Mr. Lean having been since transferred to another district and having acquired, it is to be hoped, in the course of practice, that knowledge and discretion, which will in future obviate the commission of similar errors.

ALLAHABAD.

94. The Civil administration of this District continues to be conducted with vigor and eminent success by Mr. Lang, whose clear and methodical Report relieves the Court from the necessity of recording any lengthened comments regarding the results, exhibited in the statements of the past year; the activity, displayed by the several tribunals, is testified by the fact, that, while the institutions were more numerous by 397, and the aggregate amount of business before the Courts greater by 365 cases, 531 more suits were decided on trial, than in the preceding year 1842, and a reduction in the depending arrear, to the extent of 263 cases, had been accomplished; among the particular features, represented in these returns, to which allusion is made in the opening of Mr. Lang's report, the paucity of long-standing cases, whether regular or miscellaneous, awaiting determination at the close of the year, is no less conspicuous, than it is worthy of commendation, evincing, as it does, a steady, systematic application to their respective avocations on the part of all, and the exercise of a strict and judicious supervision of the subordinate Courts by Mr. Lang. The arrear, older than a year, was confined to the few cases noted in the margin,* where also, for the sake of facilitating comparison, the same description of cases, as they stood at the end of 1842, are expressed, and in no instance does Mr. Lang seem to consider blame imputable; of the regular suits, that appearing on the Principal Sudder Ameen's file was retarded in its progress towards termination by dilatoriness on the part of the Judicial authorities in Behar, which was brought to the notice of the Sudder Dewanny Adawlut in Calcutta with a view to its correction, and those before the Sudder Ameen were remanded, the one in August, and the other in November, 1843, so that their protraction beyond the period of a twelvemonth is merely nominal: of the applications to procure enforcement of Decrees, pending before the Sudder Ameen and Moonsiffs, two were disposed of early in January, and two were delayed, until sale of property, sequestrated and advertised, should be effected.

	JUDGE.	
Headings, Nos. 1 to 14, ..		474
,, ,, 15 to 17, ..		6512
		6986
	P. S. AMEEN.	
Headings, Nos. 1 to 14, ..		630
,, ,, 15 to 17, ..		80
		710

*

		Regular.		*Execution of Decree.*
1843	Judge,	0	....	0
	P. S. Ameen,	1	....	0
	S. Ameen, ..	2	....	2
	Moonsiffs, ..	0	....	4
		3		6
1842	Judge,	0	....	2
	P. S. Ameen,	6	....	11
	S. Ameen, ..	0	....	0
	Monsiffs, ..	7	....	21
		13		34

95. The decisions on trial by Mr. Lang, the Judge, amounted to 397 suits, of which 4 were original, and the remainder Appeals, and in the Miscellaneous Department, to the investigation and completion of 296 cases and petitions under Headings 1 to 14 of Statement No. 2, besides the enunciation of 6,522 orders on the matters, to which the remaining Headings relate; as regards the former department, the Judge is enabled to state, that, without resorting to the aid of the Principal Sudder Ameen, he had leisure throughout the year, "to take up Appeals, generally, the very day after their institution, and to dispose of them at once, on its not being found necessary to summon the Respondent," and that he could have dispatched a larger amount of business, had the state of his file permitted it:

this prompt adjudication of Appeals fulfils, as it seems to the Court, the intentions of the Law, and constitutes an example of administrative efficiency, worthy of universal imitation. In the miscellaneous branch of the Judge's business, the Principal Sudder Ameen's services were rendered auxiliary to the execution of Decrees, and when the year under report closed, there was little undisposed of, cases relating to the property of persons dying intestate, and applications for the realization of Government dues in Pauper suits, which are not amenable to ordinary rules, being excepted—198 days were devoted to Civil, and 41 days, (less by 18 than in 1842) to Criminal and Sessions duties.

96. In 5* Appeals from this Court, the Sudder Dewanny Adawlut confirmed Mr. Lang's order in one, interfered with it by reversal or modification in 3, and sent back the fifth by remand: the 6th paragraph of the Judge's report has reference to the judgment pronounced by the Sudder Dewanny Adawlut in two reversed cases, and presses upon the Court, on the ground of its constituting a precedent of very important and extensive application, a review of that judgment: to this suggestion it has not been deemed necessary to accede, for reasons, the declaration of which in this place may be dispensed with, neither would the Court have adverted to this subject, had it not been prominently obtruded upon notice by the Judge.

* 1 Special.
4 Regular.

97. By the Principal Sudder Ameen, Mahomed Ruzeeooddeen, 142† original suits were brought to decision on trial, his aid (as stated above) in the adjudication of appeals having been found needless, and 468 cases under the first fourteen headings of statement No. 2, comprising 166 decrees completely, and other 86 partly executed, were disposed of, by an order on the merits; this apparent insufficiency of work has its origin in the limitation of business appertaining to the regular department of his court, and cannot be ascribed, either to indolence or inability; the Judge absolves him from "all blame," on this account, observing that his files were ill supplied, that his attendance has been regular, and punctual, his aid in the enforcement of Decrees, and the hearing of Miscellaneous Appeals under Regulation VII., of 1825, useful, and that his conduct generally throughout the year has given entire satisfaction: his assiduity, so far as there was scope for its exhibition, is manifested by the reduction of arrear, outstanding beyond a twelvemonth, and by the unencumbered state of his miscellaneous file, which, in the execution of Decree department only, shews a diminution of 69 cases pending, as compared with its condition at the end of 1842. The reversal of the Principal Sudder Ameen's decision in 20 out of 50 appealed cases adjudicated by Mr. Lang, and the remand of 2 out of 3, heard by the Sudder Dewanny Adawlut, does not convey a very favorable impression of his judicial qualifications, the proportion of those, in which interference took place, to the whole number tried, being about 41 per cent, but the judge on this point has explained, that of the 20 orders nominally reversed, 6 were only modified, and that in a few other instances, the ground of dispute was similar, and the annulment of one necessarily involved the rescision of other orders.

† *Of which decided*
Exparte, ... 43
Confession of Judgment, 30
73

98. Former reports on the administration of Civil Justice have represented the official merits of Syud Kuramut Alee Khan, the Sudder Ameen, in an unfavorable aspect, and have even expressed an opinion to the effect, that advancing age, and its concomitant infirmities, both of mind and body, had impaired his usefulness; this seems to be in a measure negatived by the practical result of an arrangement effected on the retirement ‡ of Syud Mohumud Tukee, Moonsiff of Kydgunge, by which the duties, theretofore devolving on the Moonsiff, were transferred to the Sudder Ameen, who, with that end in view, was specially vested with the powers of Moonsiff, and the few suits falling legally within the competence of a Sudder Ameen, were directed to be made over for trial to the Principal Sudder Ameen, whose Court, as has been

‡ My letter, No. 1479, dated 5th August, 1843. Secy to Government in reply, No. 4123, dated 8th September, 1843.

shewn, is by no means overwhelmed with business:—the correspondence, appended* (H) to this report, will indicate the origin of this change, and the period of its introduction, while the observations, conveyed in the 16th paragraph of the Judge's report, leave little room to doubt its successful operation, it being presumed and not without reason, that the inadequacy of Kuramut Alee's performances heretofore has been caused, mainly, by an apprehension of his office being abolished. This Officer in his capacity of Sudder Ameen decided 239,† original suits on trial, and passed orders on the merits of 268 ‡ miscellaneous cases, comprising 90 Decrees fully executed, to which, in estimating his personal exertions, the business transacted by him, as Moonsiff of Kydgunge during the latter part of the year, must be superadded: of this no other detail is found in the statements, than that, of the 511 regular cases finally disposed of in that jurisdiction, whether on trial or otherwise, he decided 148. As regards the estimate of his judgment, inferrible from the termination of Appeals from his decisions, the reversals in number 19, bearing a proportion of 32 per cent to the whole number heard and adjudicated (59), it is to be remarked, that his judicial education seems to have been defective, and that he has been in the habit of slurring over points, which in the opinion of the Judge should have been thoroughly investigated, "on the ground that they formed matter for separate suits." Although Syud Kuramut Alee rendered no aid to the Magistrate in the Criminal department, the above review shews, that his capacity for *labor* has not retrograded, whatever may be his apparent defects of judgment, and these it is not unreasonable to ascribe to failing memory, and the force of habitual carelessness.

* Extract paragraph 4 of my letter to Judge's address. No. 1612, dated 24th August, 1843.
Reply from Judge of Allahabad, No. 66, dated 8th September, 1843.
My letter No. 1930, dated 2nd October, 1843.

† in 1842,.. 232
‡ in 1842,.. 267

99. In the Judicial Agency of the lower grade various changes took place, occasioned by the decease, early in the year, of two Moonsiffs, Kishundial Misr of the City, and Daveepershaud of Phoolpore, and the retirement, at a later period, of Syud Mahomed Tuckee on a pension; the present incumbents, in the two first named Courts, entered upon their duties about the month of February, and judging from the result, there is no reason to suppose, that the mutations above alluded to have interfered, in the smallest degree, with the progress of business, or if it have, its effects have been entirely overcome by the greater activity and assiduity of the newly appointed Moonsiffs. During the past year, in the four tribunals of this grade 1643§ regular suits were determined on trial, at the high average rate of 411 to each Officer, and 1492 miscellaneous cases of all descriptions, inclusive of 700 Decrees carried out to full execution, were brought to a termination by orders on the merits: 321 Decrees likewise were partially settled, and no cases, either regular or miscellaneous, had been depending upwards of a twelvemonth in any of these Courts, when the period under review ended. The work, in aggregate, is considerably in excess of that brought to a conclusion in the antecedent year, as may be seen by a glance at the comparative memorandum entered in the margin,‖ and it is due to the praiseworthy exertions of Syud Abdoollah, Moonsiff of the City, to add, that he has excelled all others, as regards both the quantity and quality of his performances; of the 750 suits, finally disposed of in his Court, whether on trial or otherwise, he passed orders on 692 in the course of ten months, and of these only 4 were interfered with in appeal by the Judge, who regards this result as "highly creditable," and indicative of this Officer's "excellent judgment and faithful discharge of his duties." Kanjee Sahae, Moonsiff of Serai Akil, to whose "rectitude of conduct and soundness of judgment" Mr. Lang bears honorable testimony, was rewarded

§ *Of which decided*
Exparte, ... 445
Confession of judgment, 438
883

‖

	Regular.	*Miscellaneous*	*Execution of Decree in full.*
1842	1233	1440	609
1843	1643	1492	700
Increase, ..	410	52	91

during the past year by promotion* to the higher grade of salary, theretofore enjoyed by Syud Mahomed Tuckee. The annexed table shews the mode, in which appeals, tried by the Judge, from the decisions of the Moonsiffs, individually and collectively, terminated, and the result is no less creditable to the judgment evinced by Syud Abdoolah of the City and Kanjee Suhae, of Serai Akil, than it is unfavorable to the others: as regards, however, the Moonsiff of Phoolpore, who is said by the Judge "to give less satisfaction than his brother Officers," it must be added, that as many as 78 of the Appeals tried rested on the decision of two cases, in 61 of which his orders were upheld, and in 17 reversed, thus leaving, of the remainder, 37 in the former and 36 in the latter category.

* V. My letter No. 1913 of 2d October, 1843. Mr. Secy. Hamilton's letter, No. 4895, dated 28th Idem.

	Confirmed.	*Modified or Reversed.*	*Proportion of confirmation to whole number tried.*
Pygumbur Buksh alias Syud Abdoolla, Moonsiff of the City.	29	9(a)	76 per cent.
Syud Kuramut Alee, Moonsiff of Kydgunge.	36	32	53 per cent.
Khanjee Suhae Moonsiff of Serai Akil.	19	8	71 per cent.
Juggernath, Moonsiff of Phoolpore.	98	53	65 per cent.

(a) Of these, 4 from the decisions of the present Moonsiff, and 5 from those of his predecessor.

100. The large number of decisions, exparte and on confession of judgment, in the City Court,† has attracted the attention of the Judge, who observes, relatively to the first point, that the regularity of the Moonsiff's proceedings, in never allowing any of the suits before him to lie over unnecessarily, is evidenced thereby, and in regard to the latter, that many of the suits, instituted in his Court, are for the recovery of loans, and that creditors, failing to exact payment, and preferring the possesion of a decretal order to any other security, resort to the Civil Court for the coercion of their debtors, who usually consent to an amicable adjustment of the matter, and confess judgment accordingly: this seems to be a satisfactory elucidation of the peculiarity.

† Decided on trial, ... 616
Of which exparte, ... 259 } 386
Confession of judgment, 127 }

101. Regarding general questions, to which Mr. Lang has adverted, the Court observe, that the proposed employment‡ of Nazirs, in the Moonsiff's Court, the augmentation of the allowance§ made to them for the maintenance of their ministerial Establishments, and the erection ‖ of Kutcherries for their accomodation at the public cost, have all been brought under the consideration of Government, and that the Judge of Allahabad is singular in his representations of the labor and difficulty, experienced in giving effect to the precautionary rules, devised by Circular Order, No. 981, dated 25th May, 1843, for preventing the abstraction and the refiling of used stamps, no intimation of similar obstructions having been received from other Districts in these Provinces. Mr. Lang has been told, that no relaxation whatever of the rules in question can be suffered, until the clearest evidence of its necessity be advanced. During the past year, more extensive use was made of the aid of Juries and Punchayets under Regulation VI. of 1832, 31 suits having been decided in concert with them, and Mr. Lang, while admitting the "great assistance" derived from their opinion, re-affirms the existence of that dislike, on the part of respectable Natives, to be associated with the Judicial authority in the adjudication of Civil actions, which has hitherto baffled, in a greater or less degree, the efforts made for the practical introduction of the Law cited. The appropriation¶ of the more commodious building, formerly occupied by the Sudder Dewanny and Nizamut Adawlut, to the accomodation of Mr. Lang's office, has afforded facilities for the arrange-

‡ My letter No. 831, dated 4th May, 1844.
§ My letter No. 158, dated 15th January, 1844.
‖ My letter No. 89, dated 9th January, 1844. Your reply No. 460, dated 31st January, 1844. My address No. 288, dated 10th Feby. 1844. Your reply with enclosures No. 1214, dated 2d April, 1844.

¶ V. Mr. Secretary Hamilton's letter, No. 3655, dated 12th August, 1843, and the correspondence which preceded it.

ment of his records in a manner, which renders them more easily accessible, and protects them from the ravages of white ants, to which, in his former Court house, they were always exposed.

102. The Judge of this Court, by whom the statements for the quarter, ending in December, 1843, were revised, considered it due to Mr. Lang to record his satisfaction with the aspect of business, as therein represented, and to commend the "energetic control" maintained by him over the official acts of his subordinates.

GORUCKPORE.

103. The numerous mutations* in the incumbency of this Judgeship, which took place during the past year, and its entire vacation on two separate occasions, for periods of a month, and five weeks by the delegation of the current duties to the Principal Sudder Ameen, Nubbee Yawur Khan, do not appear to have interfered with the transaction of Civil business generally, or to have conduced to an avoidance of the progressive improvement, which has marked the result of judicial operations in this District, during the last two years, although such consequences might have been anticipated from the want of a continuous and uniform measure of supervision. The effect of the interruptions noticed is apparent, only, in the diminution in the number of decisions on trial by the several Officers, who presided in the Judge's Court, of which no other explanation seems to be called for, especially, if advertence be had to the occupation afforded by the Sessions and Criminal duties, to which 45 days were devoted, and to the fact of this having been the first Judicial office, in which Mr. W. H. Woodcock ever served, and of his having applied himself, with much energy and successful effect, to the correction of delays, and removal of irregularities, found by him to prevail in the execution of Decrees through the instrumentality of the Revenue Authorities. Mr. Pidcock's Report, which, notwithstanding the late period of his assumption of charge, contains a succint and well arranged account of the operations of the several tribunals, and touches likewise on various subjects of interest and importance, needed not the apology for its deficiencies, which he has been pleased to offer: from it and the Statements, which had been submitted previous to its receipt, it appears, that the income of Civil business has not fluctuated materially since 1841, in which a large accession was occasioned by the institution of a much larger number of suits, than in that, which preceded it; during the past year fewer cases by 94 were under trial before all the Courts, although those brought on the files within the same period were more numerous by 91 than in 1842; at the same time, the decisions on trial exceeded those of the antecedent annual period by 171, the general file was lighter by 235 cases, and of the arrear, composed of 1774 suits in aggregate, six† only were of longer duration than a twelvemonth, shewing a considerable reduction in the list of cases of this description, as compared with the state of the files at the close of 1842, when 32‡ were depending; the improvement, manifest in the regular, is not less perceptible in the miscellaneous department, wherein the whole arrear older than 1843, consisted of two applications for execution of Decree, one of which awaited completion in the Court of Vilayut Alee Khan, Principal Sudder Ameen,

Judge.	
Headings, Nos. 1 to 14, ..	844
,, ,, 15 to 17, ..	3726
	4570

2 Principal Sudder Ameens.	
Headings, Nos. 1 to 14, ..	681
,, ,, 15 to 17, ..	16
	697

* Mr. H. Armstrong, from 1st January to 19th February, 1843.
P. S. Ameen in charge from 20th February, to 19th March.
Mr. H. S. Boulderson, from 20th March to 6th April.
P. S. Ameen, in charge from 7th April to 16th May.
Mr. W. H. Woodcock, from 17th May to 30th November.
Mr. H. Pidcock, from 1st to end of December.

Cases older than a Year.

† 1 of 1842, before P. S. Ameen.
1 of 1839, 2 of 1841 and 2 of 1842, before Pundit Kalee Pershad, Moonsiff of Goruckpore.

‡ 30 Original suits.
2 Appeals.

and the other, in that of Kalee Pershad, the Moonsiff of Goruckpore, and these had disappeared before the end of March, when, likewise, only two regular suits, nominally depending upwards of a year, required a final order.

104. In the Judge's Court 166 decisions in regular suits, exclusively appeals, were passed after trial, by the several Officers, and in the proportions, marginally* indicated, and 598† miscellaneous cases under Headings 1 to 14 of Statement No. 2, including the investigation of various important and difficult‡ questions, were disposed of by an order on the merits, besides 3725 orders being passed under the remaining Headings: at the close of the year there was rather a heavy arrear of regular appeals, the transfer of a portion of which to the Principal Sudder Ameens for trial, was sanctioned by the Court early§ in this year, to enable Mr. Pidcock to dispose of the pending business with the requisite despatch. During the past years no recourse was had to the provisions of Regulation VI. of 1832, which is attributed by Mr. Pidcock, not to any indifference on the part of the Judges, nor to any insufficient appreciation of the aid derivable from the agency, which it permits, but rather to the difficulty of finding competent and respectable individuals, willing to serve gratuitously as jurymen, to the delay, which this mode of adjudication involves, and to its inapplicability to Appeals, which composed the whole of the regular business disposed of in the Judge's Court. The first objection has been frequently urged; the second appears to have validity in those cases, only, which may be referred to a Punchayut, who "have to carry on their enquiries apart from the Court," and who are not liable to coercion by any legal process, and the third is believed to be generally acknowledged, especially in cases of appeal, the determination of which rests upon the construction or application of Law; assessors and jurymen of the classes, available in this country, may be competent Judges of facts, as elicited in evidence, but they cannot be expected to discern, whether all the niceties of law have been observed and attended to, or whether all the points, brought forward in the pleadings, have undergone that thorough investigation in the Lower Court, which justice demands.

* Mr. H. Armstrong, ... 36
Mr. H. S. Boulderson,.. 31
Mr. W. H. Woodcock, 79
Mr. H. Pidcock,..... 20
166

† Mr. H. Armstrong, ... 83
Mr. H. S. Boulderson,.. 66
Mr. W. H. Woodcock, 392
Mr. H. Pidcock,..... 57
598

‡ Petitions for Special Appeal,..... 89
Petitions for Summary ditto,..... 38
Ditto for Appeals under Regn. VII. of 1825,..... 11
Miscellaneous Appeals,..... 50
Redemption and for enclosure of Mortgage,..... 291
Applications for Execution of Decree,..... 50

§ 15th February, 1844.

105. For about 7 months of 1842, the assistance of one Principal Sudder Ameen only, Moulvee Nubbee Yawur Khan, was available, whereas in the past year, two Officers of that grade, with trifling interruptions occasioned by the intervention of Holidays, were engaged in the duties appertaining to these Courts; the increase‖ therefore, apparent in the number of their adjudications is not larger than might have been expected to result from the greater strength of the agency employed; in the marginal note are exhibited the decisions on trial in the Courts of the Principal Sudder Ameens during the past year, 72 of which were passed in original suits, and 543 in appeals from the orders of the Sudder Ameen and Moonsiffs, in addition to which 456¶ miscellaneous cases and Petitions, comprisingthe full enforcement of 329 Decrees, were disposed of after investigation of the merits; neither of these functionaries was employed in the criminal department. The quantity of work, brought to a termination in these tribunals, appears creditable to the industry of those presiding over them, and if, as Mr. Pidcock remarks, the amount, performed by Vilayut Alee Khan, fall short of the usual average,

‖ In 1842 were decided,.... 455
In 1843..... 615 of which
Moulve Nubbee Yawur Khan, 335 } 615
Vilayut Alee Khan,..... 280 }

		Decrees fully executed.
¶ Nubbee Yawur,....	330	253
Vilayut Alee Khan,..	126	76
	450	329

it must be, on the other hand, noted, that the arrear * on his file, both regular and miscellaneous, was insignificant at the close of December, and that infirmity of health, arising from the uncongeniality of the Goruckpore climate, which is mentioned by the Judge, may have impaired his powers of application; he has been since removed to Allygurh,† where the same causes will of course be inoperative. Of 29 regular and 31 special appeals heard by the Judge from the decisions of Mohumud Nubbee Yawur Khan, his judgment was confirmed in 15, or little more than half of the former, while the same fate befel only 13 of the latter, a result, which, though avowedly unfavorable, may be in some measure ascribed to infirmities, which have recently terminated in his decease, as reported to Government in my letter, No. 1087, dated 11th June 1844, and possibly to "petulance of old age" and "overhastiness of temper," which are said by Mr. Woodcock, in the memorandum left by him, to have been his failings; the Court cannot but regret the loss of one, who, added to fair judicial qualifications, is represented to have been of "unimpeached integrity" and "honorable character." Regarding the ability of Vilayut Alee Khan, no conclusions can be deduced from the Statements, only 3 appeals from his decisions having been adjudicated during the past year, in all of which his orders were suffered to stand unaltered.

* In the regular—96 cases of 1843. Miscellaneous 30.

† Your letter, No. 969, dated 16th March, 1844.

106. Fuzl Uzeem, who held the office of Sudder Ameen throughout the period under Report, brought to decision on trial 216‡ original suits, and disposed of 209 miscellaneous cases, inclusive of 136 decrees completely enforced, by an order on the merits, and no cases either regular or miscellaneous, older than 1843, were pending on his file at its close. Of 84 appeals from his decisions preferred during the year, 18§ were adjudicated by the Judge and Principal Sudder Ameens, and in 12 of these, or a proportion of 67 per cent to the number tried, the judgment of Fuzl Uzeem was upheld, which is not so favorable as to merit particular commendation, especially when the large proportion of appeals to decisions, 39 per cent, is considered; he enjoys the character of being "an able and industrious Officer," and Mr. Woodcock had every reason to be satisfied with his decisions.

‡ As Sudder Ameen, .. 55
As Moonsiff, ... 161
216

	Tried.	*Confirmed.*	*Reversed or Modified.*
§ By Judge, ...	4	3	1
By 2 Principal Sudder Ameens	14	9	5
	18	12	6

Note—The Sudder Ameen also disposed of 9 Criminal cases.

107. Mr. Pidcock, in describing the business dispatched by the 10 Moonsiffs of this district, and the state of their files at the close of the year, has made an interesting classification of their several jurisdictions, relatively to the extent of area and amount of population comprised in each, and has added a comparative statement, shewing the cost of each establishment, and the degree in which it is provided for by the revenue realized from the sale of Stamps: these particulars are shewn compendiously in the marginal table, and seem to call for no other comment on the part of the Court, than that the expense incurred by the state in the maintenance of these tribunals is compensated by the income derived from the sale of Stamps; as regards the extent and population of the jurisdictions, it may be remarked, that these statistics, however accurately ascertained

Moonsiffee.	*Area Acres.*	*Population.*	*Suits instituted in 1843.*	*Cost of Establishments.*	*Stamp revenue realized.*
Captaingunge,	4,88,241	1,84,338	.. 429	.. 1,680	.. 1,613 8
Bansee,.. ..	7,67,345	1,90,463	.. 449	.. 1,930	.. 2,477 0
Kheleelabad,.	6,09,187	1,65,542	.. 455	.. 1,680	.. 1,868 0
Bansgaon, ..	4,15,810	1,20,355	.. 589	.. 1,680	.. 2,295 2
Munsoorgunj,	10,22,396	1,37,721	.. 346	.. 2,280	.. 1,032 0
Purroona,....	5,92,338	1,77,288	.. 390	.. 1,680	.. 1,489 6
Belwa Mhowadee,.. ..	3,68,187	93,836	.. 175	.. 1,680	.. 937 6
Sulleympore,	3,62,344	1,79,000	.. 312	.. 1,680	.. 1,401 8
Goruckpore City,.....	73,130	23,200	.. 261	.. 1,680	.. 1,022
Do. Environs,		18,000	.. 472	.. 1,680	.. 1,767 6

and recorded, are insufficient, without information regarding the character, pursuits and social condition of the population, to lead to trustworthy or conclusive calculations as to the amount of Civil business, likely to originate in each division. By the 10 Moonsiffs 2950* regular suits were decided on trial and orders passed on the merits of 1865 miscellaneous cases, of which 1282 were decrees, struck off after full execution; 601 others were also partially enforced, the aggregate shewing a quantity of work disposed of, somewhat in excess of that accomplished in 1842 by the same body, aided during a part of that year by an eleventh additional officer of this grade. The Moonsiffs of Munsoorgunge (Kasim Alee,) of Bilwa Mehwadeeh, (Doorganarain), of Saleympore (Bissesshur Dyal), and of Goruckpore, (Kaleepershaud), failed to attain to the † 300 fixed minimum† of monthly decisions, but of the three first the files were so light as to render a larger number of decisions impracticable, and the fourth, Kalee Pershaud, is one of two Moonsiffs located in the Town, and enjoys less the confidence of the people, than his colleague, to whose Court suitors, possessing the option of bringing suit before either tribunal, resort in larger number; to this circumstance, no less than to the inferior ability and impaired energy of Pundit Kalee Pershaud, who has, since the close of 1843, retired‡ on a Pension, is the deficit in the number of his decisions to be ascribed; while from the same causes, perhaps, the dependence of 5 suits beyond the period of a twelvemonth, very insufficiently explained by his recital of proceedings held to prepare them for adjudication, may arise.

* *Of which decided*
Exparte, ... 426
Ikbal dawa, ... 1104
1530

‡ My letter, No. 2196, dated 16th Dec., 1843.
Your reply, No. 172, dated 16th Jan., 1844.

108. Of 544§ appeals from these Courts, tried and decided by the Judge and two Principal Sudder Ameens, the original judgments were affirmed in 337, or 62 per cent of the number, which is a result in a trifling degree more favorable, than that shewn in the Court's last Annual Report, but still hardly commensurate with that, which might have been expected from the superior ability and qualifications, which the Moonsiffs of this District, as a collective body, have been declared to possess; if the judgment of Kasim Alee be represented in a very advantageous light by the reversal of only 7 from among 43 decisions contested in appeal, or in the proportion of about 16 per cent, it must be remarked, that the appeals, preferred from the orders of Hubeeboollah, the Moonsiff of Bansee, (whose merits were acknowledged during

§

	Tried.	*Confirmed.*	*Reversed or modified.*
By Judge, ...	59 ..	82 ..	27
By Nubbee Yawur, Principal Sudder Ameen,..	253 ..	168 ..	85
By Vilayut Alee, Principal Sudder Ameen, ..	232 ..	137 ..	95
	(a) 544 ..	337 ..	207

(a) *From decisions of.*				*Percentage of reversals upon trials.*	*Percentage of Appeals upon trials.*
1. Mehndee Hussein, Moonsiff of Captaingunj,..	19 ..	12 ..	7 ..	21·7 ..	36·8
2. Hubeebollah, Moonsiff of Bansee,..	36 ..	22 ..	14 ..	11·9 ..	38·8
3. Mehndee Allee Khan, Moonsiff of Khulleelabad,..	51 ..	34 ..	17 ..	18·1 ..	33·3
4. Russool Buksh, Moonsiff of Bansgaon,....	57 ..	32 ..	25 ..	20·7 ..	43·8
5. Kasim Allee, Moonsiff of Munsoorgunge, ..	43 ..	36 ..	7 ..	19·5 ..	16·2
6. Sheikh Mahomed, Moonsiff of Perownah,	57 ..	35 ..	22 ..	22·6 ..	38·6
7. Doorganarain, Moonsiff of Bilwa Mehewadeh,..	35 ..	24 ..	11 ..	29· ..	34·3
8. Bisseshur Dyal, Moonsiff of Saleympore, ..	85 ..	57 ..	28 ..	22·6 ..	33·
9. Kalee Pershaud, Moonsiff of Goruckpore,..	36 ..	18 ..	18 ..	22·9 ..	50·
10. Kureemoodeen, Moonsiff of Goruckpore,..	45 ..	29 ..	16 ..	14·2 ..	35·5
11. Fuzl Azeem, ... 64	29	35		,, ..	54·5
12. Bundeh Alee, ... 16	80	9 38 7	42	,, ..	43·7
	544	337	207		

the past year, by his admission* to the higher grade;) are unusually few, bearing a proportion of no more than 11·9 per cent to the aggregate amount of his decisions on trial; it appears due also to Doorganarain, the Moonsiff of Bilwa Mehwadeh, to note, that though a large number of his decisions were appealed, they were suffered to stand unaltered in 24 out of 35 cases adjudicated by the Judge and Principal Sudder Ameens, or about 69 per cent. Mr. Pidcock, arguing from the small amount of business instituted in the Bilwa Mehwadeh Court, that adequate employment was not afforded, suggested as practicable its abolition, and the amalgamation of its jurisdiction with that of Saleympore, but it appeared advisable to await the effect of Government Orders, dated 31st January last, which conferred upon the Moonsiffs of this District the Criminal powers vested in Covenanted Assistants to Magistrates by Regulation IX. of 1807, before giving encouragement to this proposal, and the Court are glad to find that Mr. Pidcock, in the 17th paragraph, has recognized the wisdom of this precaution, and has determined to suspend formal recommendation of the reduction, until he shall have had "an opportunity of seeing the practical working of the system about to be introduced;" it is not possible at present to foresee what degree of labor may be superadded by this arrangement, to that already devolving on the Moonsiffs, but there is reason to expect, that it may accomplish the end contemplated, of extending and facilitating the administration of Criminal Justice, without inflicting injury on the prompt discharge of the more legitimate duties, with which the Moonsiffs are entrusted. With a view of affording a standard of comparison, as respects this point, in succeeding years, a letter dated 4th April 1844, in continuation of Mr. Pidcock's Report, is appended, (I) shewing the average duration of each regular suit, and application for execution of Decree, in the subordinate Courts of the Goruckpore district during the past year; prolongation of dependence will be the first, and if this statement be maintained and repeated, the most *manifest* result of undue pressure of business on the Criminal side, and from the comparison instituted hereafter, satisfactory conclusions regarding the capability of the Moonsiffs to discharge Criminal, jointly with Civil duties, without prejudice to the latter, may be derived.

* My letter, No. 1096, dated 3rd June, 1843. Secretary's reply, No. 3193, dated 3rd July, 1843.

109. With the view of curtailing this Report, the Court direct me to annex in appendix (J) extracts† from a letter addressed by their order to Mr. Pidcock, in which some of the general subjects, discussed in the 18th to 31st paragraphs of his Report, are noticed, and disposed of, merely remarking, that the interpretation of Section 11, Regulation VII. of 1832, therein contained, has received the concurrence of the Sudder Dewanny Adawlut for the Lower Provinces, and that the deviation from the provisions of Act XXX. of 1841, on the part of the Moonsiffs, in proceeding to realization of fines, imposed under that enactment, by distraint, has been, with the sanction of the Court, corrected, by pointing out to those functionaries, that in the event of the fine not being paid, imprisonment in the Civil Jail is the sole alternative. It is hoped, that the Court's representations‡ regarding the appointment of Nazirs on the establishments of the Moonsiffs, and the augmentation of the allowance which they at present receive, for the maintenance of their ministerial agency, so strongly urged in the 18th and 19th paragraphs of Mr. Pidcock's Report, may meet with that attention, which the expediency, not to say, absolute necessity, of these concessions seems to demand. The Court have every reason to expect, that the abuses adverted to in the 27th and 28th paragraphs of the Judge's Report, relative to the insidious promotion of litigation by some of the Moonsiffs, will be counteracted, and at length removed entirely by his close and energetic supervision.

† Paragraphs 3, 4, 5 and 6, of No. 829, dated 4th May 1844.

‡ My letter, No. 831, dated 4th May 1844. My letter, No. 158, dated 15th Jan 1844.

110. Correspondence§ has passed during the past year, concerning the provision of suitable accommodation for the records of this Judgeship, and for their re-arrangement, which, it is satisfactory to find, has been partly accomplished by the exertions of

§ My letter, No. 1,278, dated 3rd July 1843. Mr. Hamilton's reply to No. 3,681, dated 15th August 1843.

Mr. W. H. Woodcock in such a manner, as greatly to facilitate* reference, and, as a necessary consequence, to expedite the transaction of business. There is but one other point connected with, and originating in, this Judgeship, to which the Court desire to advert, and that concerns the anomalous state of the Law in regard to the procedure, which should be followed in the conduct of sales made by the Revenue Authorities in satisfaction of Decrees of the Courts of Justice: this point was pressed upon the Court by references not only from this district, but from others, as well as by their own judicial experience, so strongly, as to have induced a special application† to Government thereupon: it is in the letter, marginally cited, shewn, that since the abrogation of Sections 2 to 11, 13 and 14, Regulation XXVI. of 1803, by the passing of Regulation XI. of 1822, law in regard to the conduct of sales of the nature mentioned, has been non-existent, that the practice since pursued has been, there is reason to believe, arbitrary, and diverse, and that every consideration, whether of justice or expediency, requires a legislative enactment on the subject; of the fate that has befallen this reference, the Court are not hitherto informed, but they are satisfied, that Government will recognize the justness of these views, and provide a sufficient remedy for the present *negative* condition of the Law in this respect; it may be added incidentally, that the Sections of Regulation VII. of 1825, which authorize annulment of such sales on miscellaneous Petition from the parties feeling themselves aggrieved, are almost nullified by the defect mentioned, for if the course of procedure in conducting sales, ordered by the Courts of Justice, exist not, wherein shall the "irregularities," adverted to in the Regulation cited, be said to consist?

* Paragraph 21, of Judge's Report.

† My letter, No. 477, dated 22nd March, 1844.

111. It only remains to mention the result of Appeals heard by the Sudder Dewanny Adawlut during 1843: of 8 Appeals‡ from the Judge's Court, Mr. Lushington's order was reversed in one, and a second case was sent back by remand, Mr. Armstrong's judgment was upheld in one case, in one reversed, and a third was remanded, while three Special Appeals from Mr. W. H. Woodcock's decisions, were dealt with in the latter manner,—4 Regular Appeals from Mohumud Nubbee Yawur Khan's Court came before the Sudder Dewanny Adawlut, in one of which his orders were not interfered with, another was dismissed, and the two remaining cases were remanded for re-trial.

‡ 1 Regular.
7 Special.

AZIMGURH.

112. As contrasted with the annual period last reported on, the state of the general file in respect of arrears, older than a twelve-month, is highly favorable, and deserves to be specially noticed; the improvement, which has been accomplished, will be most clearly and concisely shewn by the subjoined marginal Tables:§ from this it appears, that the formidable arrear of 111 regular cases had been reduced by the close of 1843 to 21, of which 5 had been decided prior to the date of the Judge's Report, (9th February), and that in the miscellaneous department a more than corresponding reduction had been effected, two

JUDGE.

Headings, Nos. 1 to 14, ...		562
" " 15 to 17, ...		3334
		3896

P. S. AMEEN.

Headings, Nos. 1 to 14, ...		381
" " 15 to 17, ...		413
		794

§

		Judge.	*P. S. Ameen.*	*S. Ameen.*	*Moonsiffs.*	*Total.*	
Original suits older than a year, ...	1842,	0	39	23	28	90	
	1843,	0	8	5	7	20	
	Less,	0	31	23	21	75	Decrease.

		Judge.	*P. S. A.*	*Total.*	
Apeals older than a year, ...	1842,	7	9	16	
	1843,	0	1	1	
		7	8	15	
Decrease in Regular Department,				90	

		Judge.	P. S. Ameen.	S. Ameen.	Moonsiffs.	
Execution of Decrees older than a year.	1842, ..	7 ..	17	2	4 ..	30
	1843, ..	1 ..	0	0	1 ..	2
Decrease in Miscellaneous Department.		6	17	2	3	28

applications for execution of Decree, of longer standing than a twelvemonth, having taken the place of 30, which awaited completion at the close of 1842; these results, it must be admitted, are very satisfactory, whether the general aspect of business, or the condition of the several files, individually, be regarded, and entitle Mr. Neave to commendation for the vigorous and skilful exercise of his controlling authority, no less than his co-adjutors in the administration of Civil Justice, for their energetic exertions; it must be remarked, further, in justice to the Officers concerned, that the strength of the agency, at work during the past year, was impaired by the withdrawal of the aid, received from the Additional Moonsiff, Meer Ruheem Alee,* who was "made to vacate office," until he should undergo the test of examination, by the vacation of the Moonsiffee of Mahomedabad Ghona for about two months, by the deputation of Kazee Yar Alee, Sudder Ameen, to officiate as Additional Principal Sudder Ameen of Benares from the 18th November to the close of the year, and by the devolvement of his duties, during the period of his absence, on Mahomed Suleem, the Moonsiff of Azimgurh, who, in addition thereto, retained charge of his own office. Nothing else is needed to demonstrate the diligence and ability, which have been brought to bear on the judicial operations of the several tribunals during the past year, and the success, with which their endeavors have been attended, proves the inutility of adding to the present numerical constitution of the Azimgurh Courts, by restoring the office of Additional Moonsiff, from which Meer Ruheem Alee is said in the 15th paragraph of Mr. Neave's Report to have finally seceded.

* V. Paragraph 83 of Civil Report for 1842.

113. The amount of business, pending before all the Courts during the expired year, was slightly in excess of that, which called for attention in 1842, and though the decisions on trial were less numerous by 24 cases, a diminution of 40 in the number of suits depending at its close is apparent, 132 more having been disposed of by adjustment, withdrawal, or otherwise, than after trial of the merits. In the Judge's Court, the presidency of which Mr. Neave, returning from leave of absence, resumed on the 4th January, and continued to hold during the remainder of 1843, 301 regular suits, all with one exception appeals, were decided on trial, 15 having been adjudicated by Mr. George Lindsay, the Acting Judge, and the rest by Mr. Neave, and 413† miscellaneous cases and petitions under the first fourteen Headings of Statement No. 2, were determined after investigation of the merits,‡ which, coupled with the duties of Judge of Sessions and Criminal Appeal, occupying 70 days, or more by 22 than in 1842, constitutes an amount of business, indicative of much praiseworthy zeal and well directed industry. As mentioned above, the only arrear, older than 1843, which remained pending in this Court at its close, consisted of one application for execution of Decree, the completion of which was contingent on the prior sale of property sequestrated for that purpose by the Collector, and one precept of the Sudder Dewanny Adawlut requiring a return; a somewhat larger amount of Appeals (270) than desirable awaited determination in this Court, when December ended, while the Principal Sudder Ameen's file, it is noted, was, at the same time, almost devoid of such cases, but this may probably have arisen from Mr. Neave's desire to amend the defects, imputed to that functionary in the 80th paragraph of the Court's last Report, by retaining, pro tempore, all appeals on his own file, and the inequality has since been removed by the transference of a portion of Appeals, with the sanction of the Court, for trial and decision to the Principal Sudder Ameen: 7 Special

† *Of which—*

Petitions for revision of Judgment,	43
Do. for Summary Appeal,	56
Miscellaneous Appeals,	54
Petitions from Paupers,	28
Do. for foreclosure and redemption of mortgage,	40
Decrees completely executed,	72
Petitions of objectors,	43

‡ 3334 Orders were passed under Headings 15, 16 and 17 of Statement No. 2.

Appeals from Mr. Neave's orders were heard by the Sudder Dewanny Adawlut, in 2 of which his judgment was suffered to stand, in 2 reversed, and the 3 remaining cases were sent back for retrial.

114. Syud Mahomud Luteef, Principal Sudder Ameen, has endeavored during the period under review to avoid the rather unenviable notice, which he received in the Civil Report for 1842, by abandoning the obnoxious practice of taking up cases out of their regular rotation, and thus deferring the adjudication of the older and more complicated cases, and by largely reducing the arrears of longer standing than a twelvemonth, so largely, as to justify Mr. Neave's assertion, that "this standing reproach" "has been almost done away;" the extent of this reduction appears in the comparative Statement, at the opening of this section of this Report. The decision by the Principal Sudder Ameen on trial of 199 regular cases, of which 96 were original, and 103 Appeals, and the disposal on the merits of 178 cases under Headings 1, 5, 7, 10, 11, 12 and 13 of Statement No. 2, comprising the full enforcement of 77 Decrees, besides the partial execution of 124 others, and the enunciation of 413 orders on the matters involved in the three last headings of the above Statement, compose the whole amount of business dispatched by Syud Mahomed Luteef during the past year,* and if there be a numerical deficiency, as regards the regular department, it must be held to be sufficiently explained by the lightness of his file, on which only 54 suits required a final order, when 1843 ended: of these, 8 were instituted prior to its commencement, and although Mr. Neave seems to think, that these too might have been disposed of, he expresses a reluctance, "when much has been effected," "to press hard for the balance of what might have been done," and in this forbearance displays a spirit of equitable moderation, which is no less worthy of commendation, than it is well fitted to conciliate the cordial co-operation of his subordinates. Relatively to the miscellaneous branch, the Court observe, that, although the Principal Sudder Ameen's performances fall short of what was accomplished in 1842, as to numerical quantity, yet the work disposed of comprised, to use Mr. Neave's terms, "some very heavy cases of execution of Decree," the returns shew none of any description older than a year, and the arrear amounting, at the beginning of 1843, to 152, had fallen by its close, to 90 cases: the result, then, must be deemed satisfactory. Such being the quantity of business brought to a termination by Syud Mahomed Luteef, the Principal Sudder Ameen, the quality of his decisions remains to be examined, and of this no favourable impression can be derived from the fact of 30† regular and special Appeals from his Court, adjudicated by the Judge, having terminated in the confirmation and reversal of his orders in equal proportions: neither would it appear from the marginal note,‡ that he has evinced much greater correctness of judgment in the determination of cases tried by him as Sudder Ameen and Moonsiff, while in 6 regular appeals, which came before the Sudder Dewanny Adawlut, his decisions were upheld in 3, interfered with in 2, and the other was remanded.

* *Note.* He also decided 3 Criminal trials, and disposed of 29 other miscellaneous cases, referred by the Magistrate.

† | | *Tried.* | *Confirmed.* | *Reversed or modified.*
---|---|---|---
Regular,.. .. .. | 16 | 9 | 7
Special,.. .. .. | 14 | 6 | 8
| 30 | 15 | 15

‡	*Tried.*	*Confirmed.*	*Reversed or modified.*
As Sudder Ameen,..	5	5	2
As Moonsiff,.. ..	6	4	2
11	7	4

115. The fifth and succeeding four paragraphs of Mr. Neave's Report, relating to suspicions entertained by him of the respectability of this Officer's character, may seem to call for some comment, for, though of too vague and general a nature to justify discreditable imputations, they may afford ground for the maintenance of a careful watch over his proceedings: whatever distrust may be created by the insinuations thrown out against Mahomed Luteef, which would seem to have received corroboration in some

degree from the Judge's inquisition, the Court think it premature to found thereupon any imputations of want of integrity, finding that much of the disrepute, attaching to him, has been occasioned by the malpractices of a Mohurrir on his Establishment, with whose services he has been since compelled to dispense. Although Mr. Neave would, in the opinion of the Court, have done better, had he excluded mention of this subject from his Annual Report, and postponed its agitation, until in possession of tangible grounds of impeachment, and primâ facie evidence of delinquency, yet the Court are fully satisfied, that he was actuated by the most upright and conscientious motives, and by a conviction, that he was only discharging his duty in placing before the Court all the information, which his local position and advantages had enabled him to acquire. The Court, however, perceiving no adequate grounds for the institution of proceedings against the Principal Sudder Ameen in accordance with the provisions of Act XXVI. of 1839, have requested Mr. Neave to maintain a vigilant supervision over his acts, and to bring any palpable misconduct to their immediate notice, with a view to the adoption of such measures, as may *then* be deemed advisable.

116. Kazee Yar Alee, the Sudder Ameen, has not disappointed the expectations, which were entertained of his energy and ability, having "completely reformed the Office," which under the administration of his Predecessor, Ilahee Buksh, physically infirm, and avowedly inadequate to the effective performance of its duties, had fallen into much disorder, and having reduced the number of regular suits, older than a year, of which 28 were pending at the end of 1842, to 5. With the exception of about a month and a half, when he was deputed to act as Additional Principal Sudder Ameen of Benares, Kazee Yar Alee presided during the whole period under report in the Sudder Ameen's Court, and with the aid of Mahomed Suleem, Moonsiff of Azimgurh, who officiated during his absence, brought to decision on trial 363* original suits, and disposed of 635 miscellaneous cases, including the complete fulfilment of 150 Decrees, besides the partial execution of 101 others: he was likewise employed by the Magistrate in deciding one Criminal trial, and disposing of a few miscellaneous matters in that department. The contiguity of his Court to that of the Judge may in some measure account for the numerous Appeals preferred from Kazee Yar Alee's orders, which, however, it is satisfactory to remark, were upheld in 41, out of † 56 cases adjudicated, or 73 per cent; 98 awaited decision: this result is such, as to impress the Court with a highly favorable opinion of this Officer's judicial aptitude, and soundness of judgment, and fully warrants the encomium passed upon him by Mr. Neave, who declares his efficiency to be undoubted, and the termination of appeals from his Court very creditable, and who on these grounds specially recommends him to favourable notice. It is, therefore, matter for congratulation, that by vacancies, which have occurred recently in the grade of Principal Sudder Ameens, opportunity has been afforded of recognizing Kazee Yar Alee's official merits, and nominating‡ him for promotion to the superior office, in which, there seems little reason to doubt, he will achieve honorable distinction, and fulfil the duties thereof with benefit to the people, and credit to the administration.

* Kazee Yar Alee, ... 15
Mohumud Suleem, ... 48
363

†	*Tried.*	*Confirmed.*	*Reversed or modified.*
As Sudder Ameen, ...	20	10	10
As Moonsiff, ...	36	31	5
	66	41	15

‡ My letter, No. 1087, dated 11th June. 1844.

117. It will be in the recollection of the Government, that the sole object, contemplated by the creation of a Sudder Ameen's Court at Azimgurh, was to provide agency competent by Law to hear and determine the numerous suits instituted by Europeans, concerning contracts for the delivery of indigo and sugar, which were not at that time (1840) cognizable by Moonsiffs; even with this resource available, the Sudder Ameen's file was, it is believed, only kept adequately replenished by the transference of suits, susceptible of

decision by Moonsiffs, to his file, but, as the incompetency of these Officers to try suits, in which Europeans are concerned has been during the past year removed by the enactment of Section 7, Act VI. of 1843, there seems to be no sufficient reason for the continuance of a Court, which, though necessitating a larger expenditure, is not more efficient for the ends in view than that of a Moonsiff: the Judge has been therefore requested to express his opinion on this point, and it will probably form the subject of early reference to the Government.

118. As mentioned in a preceding paragraph, the numerical constitution of the Moonsiffs' Courts has undergone reduction during the past year by the retirement of Syud Ruheem Alee, and the Officers of this grade, now employed in this District, are two, Mohumud Suleem, located at Azimgurh, and Heyt Loll, who joined his appointment on the 6th March, at Mohumedabad Ghona. By these functionaries 619* regular suits were adjudicated, and 1444 orders passed on the merits of miscellaneous cases, comprising the completion of 258 applications for execution of Decree by full enforcement, besides the partial fulfilment of 194 more. *The quantity* of work disposed of is worthy of commendation, while of the *manner*, in which it has been accomplished, at least by Heyt Loll, no data are derived from the present returns: only 5 Appeals from his decisions were heard, 3 of which were approved, and the remaining 2 reversed or modified. Mahomed Suleem, the Moonsiff of Azimgurh, has maintained the high character "for integrity and judicial efficiency," which was formerly ascribed to him, and has practically asserted his title to these qualities, by the acknowledgment of the justness and accuracy of his judgment in 47 out of 61 appeals from his Court, brought to decision during the past year, or in the proportion of 77 per cent to the while number determined; in favour of Mahomed Suleem nothing needs to be added to this evidence of his ability, save the repetition of Mr. Neave's opinion, that he is "an excellent Officer," and that the District is "peculiarly fortunate" in possessing the advantage of his administrative aid: there is reason to hope, that no long time may elapse, before he receive the reward of his meritorious services in advancement to the next superior grade. Of Heyt Loll, the Moonsiff of Mahomedabad Ghona, Mr. Neave avows his inability to form a just estimate, by reason of the short period of his subjection to supervision, but he is allowed credit for industrious application to his duties, and "if not obtaining any great reputation for talents," is yet said to possess a character for integrity hitherto unimpeached, which is of itself a recommendation, that cannot be too highly appreciated.

* Exparte, ...	103
Ikbal Dava, ...	94
	197

119. In reply to the 15th paragraph of his Report, which refers to the comparative pressure of business in the Mahomedabad Ghona Court, and the prospective necessity either of temporary aid, or a re-division of the District, Mr. Neave has been informed, that the concession of temporary aid is objectionable, unless it be shown that causes of temporary operation only have given rise to the accession of work, requiring such assistance for its reduction, and that the adjustment of subordinate Civil jurisdictions, in conformity with the Resolution of Government dated 30th October, 1837, enjoined by the Circular Order of this Court, No. 853, dated 14th May last, will afford a suitable opportunity of making such arrangements in this respect, as may be most conducive to the interests of the community at large, and the efficiency of the judicial tribunals of first instance.

120. With reference to the remarks, recorded by Mr. Neave on the several subjects marginally† enumerated, in the 25th, 26th, 28th and 30th paragraphs of his elaborate Report, the Court direct me to append (K), extract (Paras. 6, 7, 8 and 9) from a letter addressed to him by their order, in which all these points are adverted to, adding only the expression of their profound regret, that their suggestions for the provision of agency, adequate to the compilation of a compendium of judicial precedents, similar to the published Reports of

† Para. 25. Collusive Decrees.
Para. 26. Registration of Deeds.
Para. 28. Publication of cases decided by Sudder Dewanny Adawlut.
Para. 30. Regulation XII. of 1833, and incompetency of Pleaders.

the Sudder Dewanny Adawlut in Calcutta, should have been negatived by the Supreme Government. The Court cannot avoid concurring with Mr. Neave in thinking, that the restriction of authority to hear and determine special appeals to the Sudder Dewanny Adawlut only by Act III. of 1843 is a wise legislative enactment, and that, unless facilities for the publication of decisions passed under the said act, and for the promulgation, through that channel, of sound legal doctrines, and equitable rules of practice, be afforded, the intention of the legislature must be rendered well nigh nugatory. The observations, contained in paragraphs 20, 21, and 22 of Mr. Neave's letter, as explanatory of the infrequent use of Regulation VI. of 1832, are worthy of attention; though fully sensible of the aid, derivable from the association of assessors or jurors in Civil actions, he professes his inability, owing to local and general causes, to give extension to the system, and makes, among others, one particularly pertinent remark, which is worthy of record, that in a District like Azimghur, "inhabited by clans of families, it would not be easy to find really unbiassed assessors;" this fact will be found, the Court conceive, to oppose obstacles to the operation of the Law under notice, as regards civil actions, in all quarters of the country, more or less, but especially in Delhie, and the Northern Doab, where coparcenary fraternities, recognizing a common ancestry, though now comparatively disunited, and extensively dispersed, are believed to exist. In his 19th paragraph the Judge refers to the sanction, accorded† by Government, for the entertainment of two extra Mohurrirs for a period of one year, for the assortment of records received from the District of Jounpore, and promises a further report, which will be duly submitted to Government.

* My letter No. 524, dated 3d April, 1844. Your reply, No. 2332, dated 22nd June.

† Vide Mr. Secy. Hamilton's letter No. 3580, dated 7th August, 1843.

JOUNPORE.

121. The Court have had occasion to regret the loss, towards the close of the past year, of the services of Mr. Harington, who, incapacitated by severe and dangerous illness for 23 days from active exertion, was ultimately compelled to yield to the advice of his medical attendant, and to relinquish on the 12th December, 1843, charge of the office, which had been rendered efficient by his administration, with a view of seeking in a more genial climate restoration of health, and invigoration of a constitution, which had been undermined by long residence in this country, and by sedulous, indefatigable application to his onerous duties. To shew that this regret is not without foundation, and that Mr. Harington fully merits the commendation, which it implies, I am directed to advert to the 85th, 86th and 87th Paragraphs of the Court's Report on the administration of Civil Justice for 1840, in December of which year, he assumed charge, and to contrast the aspect of business therein represented with that, which may be gathered from the Statements now under review.

Judge.	
Headings, Nos. 1 to 14,..	274
„ „ 15 to 17,..	5147
	5421

Principal Sudder Ameen.	
Headings, Nos. 1 to 14,..	577
„ „ 15 to 17,..	743
	1320

122. At the period noted, no less than 117 regular suits of longer standing than one year awaited determination, 150 miscellaneous cases, similarly protracted in their dependence, were incomplete, and a strong presumption was entertained, that the apparent delays in preparing cases for adjudication admitted of no satisfactory explanation, or clearly evidenced disregard of law, and the recognized rules of practice, while at the same time the record department of the Judge's office was in a state of disorder, which defied ready reference, and tended largely to impede the transaction of business:—by the end of 1841, as noticed in the 86th paragraph of the Court's Report for that year, this formidable arrear had been reduced to 63 cases, viz. regular suits 30, and miscellaneous cases, 33, which number by the date of Mr. Harington, report, dated 9th April, 1842, had fallen to 24

of the former, and 21 of the latter description; the benefit of these operations was, at the same time,* declared not to be limited to the simple demolition of a burdensome accumulation of arrears, however important and desirable such a consummation might be, but to extend also to the correction of supineness in the transaction of business, which had theretofore prevailed in the Native Courts, and to the near accomplishment of the re-adjustment of records, which was necessitated by their former disorganized condition. Before the year 1842 closed, this work was completed in a manner, which was held "to entitle Mr. Harington to the thanks of Government, and the gratitude of the whole District," the arrear of long standing cases, both regular and miscellaneous "involving no imputation of want of care against any of the judicial functionaries," was deemed "too small to call for notice," and Mr. Harington was enabled to affirm, that the people might ordinarily without difficulty prosecute their claims to final determination in appeal, in the course of a few months.

* Vide para. 87, Report for 1841.

123. From the Report for 1843, which Mr. Harington has submitted with expressions of regret at the cessation of his connection with this Judgeship, and from the statements forwarded by his successor, Mr. R. J. Tayler, facts, equally indicative of the efficiency of Mr. Harington's supervising care, and substantiative of well sustained industry on the part of the subordinate Judicial Officers, may be deduced, and the Court think it due to Mr. Harington to record their high appreciation of his eminent ability, and qualifications, and of his peculiar aptitude for Judicial Office. At the beginning of 1843, there were 1128 cases on the files of all the Jounpore tribunals, more numerous by 296, than at a corresponding period of the preceding year, from which it has ensued, that, notwithstanding a falling off in the income of suits to the extent of 611, and a diminution of 315 in the number of those before all the Courts, 91 more cases were decided on trial than in 1842, and the arrear consisted, at the close of the period under review, of 810 cases, fewer by 318, than at its commencement. This arrear comprised 11 Regular† cases, all of 1842, which, added to 6 applications for execution of Decree, and one case of objections before the Principal Sudder Ameen, and 9 of the former description before the Sudder Ameen and Moonsiffs, constituted all the business of any moment, instituted in years antecedent to 1843, that remained undisposed of at its close: of the regular suits, it is to be remarked, 5‡ had been remanded for retrial on dates comparatively recent, and afford no ground whatever for impugning the industry or method of the functionaries concerned, while the prolonged dependence of two others, before the second Moonsiff of the City, was occasioned by their transfer from another jurisdiction, and the interruptions thereupon contingent: of the miscellaneous cases, above specified, a portion (11) had been disposed of before the end of March, but as regards this branch of their duties, I am desired to observe, the proceedings of the Native Judges have been found occasionally open to objection on the score of unexplained delay, originating apparently in the extension of ill-considered indulgence to the parties, and sometimes in deviations from the rules established for their guidance; these delays and irregularities, were seen to pervade chiefly the proceedings of the Acting Principal Sudder Ameen, Moolvee Ghoolam Mahomed Moostuffa, and the Moonsiff of Mutchleeshuhur, and it may be sufficient, without particularly describing their nature, to add that they have been reprehended by the Judge of this Court, on revision of the quarterly Statements, and their amendment enjoined. A practice, which was of extensive prevalence in this District, and seemed to require immediate suppression, as tending to create delay in the transaction of business, consisted in the habitual and unhesitating acquiescence of the Native Judges

	Regular suits.	*Miscellaneous cases.*
† Principal Sudder Ameen,	3	7
Sudder Ameen,	0	2
1st Moonsiff of City,	2	2
Acting 2d Moonsiff of City,	2	0
Moonsiff of Mutchleeshuhur,	4	5
	11	16

‡ Principal Sudder Ameen, ... 2
1st Moonsiff of City, ... 2
Moonsiff of Mutchleeshuhur, ... 1
5

in requests preferred by parties, for the inspection of the records of decided cases, and for a requisition to the office, in which they might happen to be deposited, for their transmission. The Judge, Mr. R. J. Tayler, has been informed, that it is foreign to the legitimate functions of a Civil Court to seek for documentary evidence, which is always available to the litigating parties, upon whom rests the obligation of advocating their own interests, and supporting their respective claims, the trial and adjudication of which are alone reserved to the judicial tribunal; suitors can meet with little difficulty in procuring authenticated copies of such papers, as they may deem calculated to give strength to their claims, and submitting them for the consideration of the Court, in which their suit may be pending, and the Judge has been accordingly requested to prohibit recourse to the reprobated practice, unless reference to the record of a decided suit by way of precedent, or for any legitimate purpose of that kind, be needed, when the reason, whatever it may be, should be expressly recorded in the application made for its transmission. The retention of regular suits on the file beyond the period of limitation, prescribed by Act XXIX. of 1841, has been discovered in one or two instances, and deviations from the instructions regarding sales, contained in Circular Order, Sudder Dewanny Adawlut, dated 23d August, 1842, have been corrected.

124. From the 1st January until the 3rd March, 1843, Mr. C. R. Tulloh officiated as Judge, and was then relieved by Mr. Harington, who continued in charge until the 12th December, when, as above stated, he was compelled by the indifferent state of his health to relinquish the active duties of his profession; during the remainder of the year, the current duties were performed by the Officiating Principal Sudder Ameen, Moolvee Ghoolam Mahomed Moostuffa. If the serious illness of Mr. Harington, incapacitating him from attendance in office for a period of 23 days, the interruptions always more or less incident to changes of incumbency, and the active and vigilant control maintained by him over the acts of his subordinates, be borne in mind, the disposal in this Court, during the past year, of 208 * regular suits, all with one exception Appeals, 177 of which were decided on trial, and the determination, after investigation of the merits, of 154 miscellaneous cases under Headings 1 to 14 of Statement No. 2, together with the enunciation of 5125 orders on the matters comprised under the remaining headings of the same statement, will be regarded as a creditable amount of work: no more than 106 appeals awaited a final order in the Judge's Court at the end of the year, and on the miscellaneous files little, that could have been disposed of, remained pending, so that the injury, which might have been expected to result from Mr. Harington's indisposition and consequent inaction, has not, there is good reason to hope, accrued. Sittings were held on the Civil side for 158 days, and 64 were occupied by Sessions and Criminal duties. The agency permitted by Regulation VI. of 1832 was resorted to in the decision of 7 Civil suits, in 6 of which the judgment, ultimately recorded, corresponded with the award of the Punchayut, or the opinion of the Assessors or Jurors engaged. No appeals were heard by the Sudder Dewanny Adawlut from this Court, during the year 1843.

* By Mr. Tulloh, ... 33
By Mr. Harington,.. 175

125. Among the subordinate members of the Judicial Establishment several changes, both of official position, and location, occurred during the period under review, each of which will be adverted to in the succeeding paragraphs. The Principal Sudder Ameen, Moolvee Mahomed Yoosuff Hussun Khan, who had long been suffering from ailments of a constitutional nature, obtained leave† of absence for six months, subsequently extended for one‡ month, and from the 1st October to the end of the year, his office was administered by Moolvee Ghoolam Mahomed Moostuffa, the Sudder Ameen, who, nevertheless, continued to discharge the duties of his substantive appointment. By the two functionaries named,

† Mr. Secy. Hamilton's letter, No. 4,182, dated 12th September, in reply to My letter, No. 1554, dated 15th August, 1843.

‡ Government orders, No. 760, dated 14th February, 1844.

220* regular suits, of which 56 were original and 164 appeals, were disposed of, 201 having been determined on trial, and orders were passed on the merits of 1098 miscellaneous cases, 358 having relation to the matters comprised under the first fourteen Headings of Statement No. 2: the services of these officers were well availed of in the execution of Decrees, 173 of which were carried out to complete enforcement, and 30 more, partially settled, while at the same time aid was rendered to the Magistrate by the decision of 75† Criminal trials, and the disposal of 92 applications and Petitions of a miscellaneous nature. When December ended, the aspect of business was favorable: on the regular file only 78 cases were pending, and in the miscellaneous branch the arrear had been reduced from 286 cases, which remained over from 1842, to 143, including 7 cases of longer standing than a twelvemonth; the proceedings connected with some of these were considered faulty, and having received such attention and comment, when reviewed by the Court, as seemed to be demanded, need not now be analysed, as it is hoped, that the instructional observations communicated will be productive of that improvement, which the Court desire to see effected. In addition to the business dispatched by Moolvee Ghoolam Mahomed Moostuffa, as Officiating Principal Sudder Ameen, he brought to decision on trial 237 original suits, in his capacity of Sudder Ameen of Jounpore, and determined 514 miscellaneous cases, inclusive of 76 decrees completely enforced, by orders passed on their merits: two miscellaneous applications, preferred on dates anterior to 1843, awaited completion at its close in this Court.

* By Mahomed Yoosuff Hussun Khan from 1st January to 30th September. 159
By Moolvee Ghoolam Mahomed Moostuffa, from 1st October to close of year 1843. 61

†	*Trials.*	*Miscellaneous Petitions.*
Principal Sudder Ameen, ...	29	24
Ghoolam Moostuffa Sudder Ameen, ...	46	68

126. Of the official merits, and accuracy of judgment possessed by these functionaries, it is somewhat difficult from the data available to form a just opinion, for while Mr. Harington in his minute, which accompanies "bears testimony to the satisfactory manner, in which Mahomed Yoosuf Hussun Khan, the Principal Sudder Ameen, has continued to discharge the important duties of his office," the marginal extract from the Appeal Statement shews the large proportion of 21 reversals out of 35 orders heard in Appeal, and is calculated to represent his judicial ability and aptitude in an unfavorable light. Confident, however, of Mr. Harington's capacity to make a fair estimate, and satisfied, that such estimate will have been conscientiously expressed, the Court prefer adverting to the criterion, afforded by the proportion of appeals preferred to decisions passed, rather than to the result of appeals adjudicated; regarded in this light, the impression conveyed is somewhat counteracted, 23 appeals having been admitted during the year, while the number of suits disposed of by Mahomed Yoosuf Hussun Khan individually amounts in aggregate to 159; thus 1 order in every 7 was appealed. The commendation; formerly bestowed on Moolvee Ghoolam Mahomed Moostuffa, is repeated, and the opinion is more easily reconciled with the inferences derived from the Appeal Statement, which shews, that of 34 orders passed by him as Sudder Ameen, which were revised in Appeal during the past year, 21 met with confirmation, in the proportion of 62 per cent to the whole number adjudicated; in one special Appeal, heard by the Judge, the Moulvee's decision was suffered to stand, and in one reversed. Since the commencement of the present year, Moolvee Ghoolam Mahomed Moostuffa has received the reward of past efficient service in promotion‡ to the office of Principal Sudder Ameen at Goruckpore, in which, there is every ground to expect, he will acquit himself creditably, and his

By Judge.	*Tried.*	*Confirmed.*	*Reversed or modified.*
Regular, ...	26	11	15
Special, ...	9	3	6
	35	14	21

By S. D. Adawlut.	*Confirmed.*	*Remanded.*
Regular, ... 4 Special, ... 1	3	2

‡ My letter, No. 336, dated 21st February, 1844.
Your reply, No. 969, dated 16th March, 1844.

departure has rendered practicable the abolition of the Sudder Ameen's Court at Jounpore, which has been accordingly effected,* and a 4th Moonsiff, stationed in the town, to provide for the pressure of business, arising within the limits of that jurisdiction, has been substituted: the expenditure has been contracted, without impairing the efficiency of the judicial agency, attached to this district, as proved by the experimental introduction of this arrangement during the period of Moolvee Ghoolam Mahomed Moostuffa's vicarious performance of the Principal Sudder Ameen's duties.

* V. My letter above cited.

127. On the re-opening of the Civil Courts after the close of the Dusserah vacation, Kazee Zeeaoollah, the Moonsiff of Jounpore, who during the preceding portion of the year had been officiating† as Sudder Ameen of Ghazeepore, resumed charge of his office, and the appointment of a fourth Moonsiff being necessitated by the junction about the same time of the offices of Principal Sudder Ameen and Sudder Ameen in the person of Moolvee Ghoolam Mahomed Moostuffa, Syud Bundeh Alee, who had been acting during the Kazee's absence, as Moonsiff of Mutchleeshuhur, was transferred to the Town in the capacity of 2d Moonsiff, and has since been confirmed in the appointment, agreeably to the resolution expressed in the 89th paragraph of the Civil Report for 1842. For about 9 months of the year, therefore, 3 Moonsiffs were employed, and during the months of November and December 4 functionaries of that grade were at work; in these Courts 1210‡ regular suits were brought to decision on trial at an average rate (deducting 79 determined by the Acting 2d Moonsiff of the City during the two last months of the year) of 377 decisions to each Officer:—in the Mutchleeshuhur Court only, administered until the close of the Dusserah vacation by Syud Bundeh Alee, has the prescribed numerical standard of monthly§ decisions not been attained, and in the same Court only were the proceedings in suits, of longer duration than a twelvemonth, considered open to exception, and these were characterized by needless delays, and by unexplained departures from Law and proper procedure, for which the Moonsiff did not escape censure. The individual performances of these officers, all of whom presided in different Courts during 1843, are exhibited in the marginal table. Orders were passed on the merits of 978 miscellaneous cases by these officers, in which are included 325 applications for execution of decree struck off after full enforcement, and 46 others partially settled, but in the Statements, which have been submitted, no specification of the share taken by each individual in the transaction of this business, which represents their industry as a collective body in a creditable light, is found; an increase of 207 in the number of cases of Decree execution, awaiting completion at the end of 1843, as contrasted with the state of the general file at its commencement, is apparent, and may be accounted for by the accession of work in this department, resulting from the operation of Act VI. of 1843, which enacts, that all decrees emanating from the Appellate Courts shall be carried out to execution in the Courts, by which the original judgment appealed from was delivered—7 petitions for execution of Decree, of which 5 were on the file of the Mutchleeshuhur Moonsiff, composed all the business instituted prior to 1843, which remained undisposed

† V. Mr. Secretary Hamilton's letter, No. 2527, dated 23d December, 1842.

‡ Exparte, ... 232
Ikbal Dava, .. 175
407

§ 25 per mensem or 300 per annum.

Disposed of on trial or otherwise.

1st City Moonsiff's Court, ...	585	.. of which by	Moulvee Moorad Alee. ..	42
			Moulvee Fuzloollah.	443
			Kazee Zeeaoollah.	100
2d City Moonsiff's Court, ...	95	..	By Bundeh Alee.	0
Mutchleeshuhur Court, ...	349	.. of which	By Moulvee Fuzloollah...	91
			By Syud Bundeh Alee. ..	258
Moofteegunge Court, ...	462	.. of which	By Syud Bundeh Alee. ..	41
			By Moulvee Moorad Alee.	421

Total number of suits decided.

By Moulvee Moorad Alee, .. 463
By Moulvee Fuzloollah, ... 534
By Syud Bundeh Alee, ... 394
By Kazee Zeeaoollah, ... 100

of at its close, and the Judge of this Court, to whose revision the quarterly statements were subjected, could not help remarking on the neglect, apparent in the conduct of some of these cases. In the 16th paragraph of his report, Mr. Harington has adverted to one fruitful source of protraction, the inattention, namely, of the subordinate Courts "to the rule, which prescribes, that cases" of this nature, "not proceeded with for 6 weeks, shall be struck off on default, from which cause alone the cases not unfrequently become of more than a year's standing," Mr. Harington's injunctions on this head will, there is little doubt, have the effect of preventing the repetition of neglect, and, this suppressed, nothing can ordinarily occur to obstruct the prompt fulfilment of Decretal orders, if the cordial co-operation of the Revenue authorities, which has on the present occasion elicited an expression of Mr. Harington's "thanks," be (as there is every reason to hope it may be) maintained.

128. The marginal statement shews particulars regarding the appeals decided from the Moonsiff's Courts, which are excerpted from the detailed statement, and so arranged as to exhibit the proportion of each individual's decisions confirmed and reversed, without reference to the jurisdiction, to which they severally apply: the results cannot be regarded as other than unfavorable, except in the case of Moolvee Moorad Alee, whose orders have been confirmed in the proportion of 63 per cent, but Mr. Harington bears testimony to "the satisfactory and creditable manner, in which the three first named functionaries have generally conducted the duties entrusted to them, and classes them in the order, in which their names are marginally entered. Syud Bundeh Alee, whose proceedings, as Moonsiff of Mutchleeshuhur, in regular and miscellaneous cases of long standing, have been above declared exceptionable, has been during the past year more than once visited with Mr. Harington's "severe animadversions," for having sacrificed due deliberation to celerity of decision, without regard to the injustice and injury, which he was entailing on parties by his inconsiderate haste: he is described, however, as possessing all the elements of a good Judicial Officer, and expectations of improvement are expressed, in which the Court do not anticipate disappointment. Some trifling modifications of the Moonsiffee jurisdictions, consequent on the addition of another Officer to the establishment, have been lately sanctioned, but re-adjustment will be requisite, so soon as the fiscal divisions of the District have undergone revision.

	Tried.	*Confirmed.*	*Reversed or modified.*	*Proportion per cent of reversals*
Kazee Zeeaoollah, ...	0 ..	0	0	0
Mohumud Fuzloollah	77 ..	37	40	52 per cent.
Moulvee Moorad Alee,	99 ..	62	37	37 per cent.
Syud Bundeh Alee,	53 ..	26	27	51 per cent.
	(*a*) 229	125	104	

* By Judge,..... 99
By P. Sudder Ameen,.... 130

129. In the 17th and seven following paragraphs of Mr. Harington's Report are comprehended some pertinent observations, touching the neglect too often found to prevail in the preparation of original suits for adjudication, and some suggestions for its prevention, which, however valuable, appear to the Court, under the present constitution of the judicial establishments, almost unsusceptible of practical adoption. Without entering into the details of his proposed plan, which contemplates the creation of an Office, over which a separate functionary, to be designated a "Preparer of Cases," is intended to preside, it may be sufficient to observe, that his duties, comprehending the issue of all preliminary processes and the preparation of *all* the original suits instituted in *all* the Courts of the district, would demand an amount of labor, which no individual could efficiently discharge, and would require an intimate acquaintance with the Law of procedure, and rules of practice, which are rarely found in Native Officials; it would, moreover, entail a heavy responsibility, which could be countervailed only by a commensurate salary, the necessary correspondence with the Judicial Officers, to whom by Mr. Harrington's plan the final adjudication of the case is reserved, would be maintained with difficulty, and the success of the plan would, the Court apprehend, be very problematical under all these disadvantages. There is as little analogy

between the constitution of the Queen's Courts, and the Judicial tribunals of this Country, as there is between the plan, which Mr. Harington advocates, and the system said by him to obtain in the former: if, as asserted, it be the duty of Counsel, in communication with the attorney of the litigant party to prepare the suit for trial, the great principle of a just division of labor is enforced, whereas, according to Mr. Harington's scheme, the whole onus, involving not only the minutest details, but the important points of receiving documentary proofs, and recording oral evidence, would devolve upon one individual. In the present state of things, the Court are sceptical as to the success of any scheme, which should constitute an agency for the preparation of cases, separate from the Judicial Office. A Circular Order, issued since the commencement of the present year, No. 2182, dated 16th December last, to which more particular allusion will be made in the concluding summary of this Report, will, the Court expect, introduce improvement into this branch of judicial duty, by checking the disposition to procrastination so characteristic of native suitors, preventing needless delays and immediately bringing their occurrence to notice. With reference to the legal anomaly, adverted to in the 26th paragraph, the Court observe, that, though the injunction contained in Section 5, Regulation III. of 1803 for the presentation of the replication on the next court-day after the filing of the rejoinder, have been virtually abrogated by the recent law of default, yet no "anomaly" has been created, for the old Law attached no penalty to a disregard of its injunction, a disregard, which before the passing of Act XXIX. of 1841, might have been prolonged for 6 weeks and upwards without rendering the suit necessarily subject to dismissal on default.

130. Mr. Harington's remarks on the effects of Act XVI. of 1843, will be noticed in the general summary at the end of this report.

MIRZAPORE.

131. With the exception of the last 15 days of December, when Mr. A. P. Currie was absent on leave, and the discharge of the current duties of this Judgeship devolved on the Principal Sudder Ameen, that gentleman presided in the Court throughout the year, and has submitted the Statements, accompanied by a Report, which is satisfactory in shewing but few cases, either regular or miscellaneous, of longer duration than a twelvemonth; in the former department, two cases, (one on the file of the Principal Sudder Ameen, and the other on that of the Kuchwa Moonsiff) awaited decision, and the delay, apparent in the preparation of the former, called forth the animadversion of the Court; on the miscellaneous files, cases, of older date than 1843, were confined to one case before the Judge, the decision of which seems to have been unavoidably postponed, and 4 applications for execution of decree before the Principal Sudder Ameen; considered abstractedly, the arrear is insignificant, but the Court cannot reconcile the dependence of cases for a period in excess of one year, in a District such as this, with the exertion of due diligence, and the observance of methodical regularity in the transaction of business, and they have recorded their opinion, that no case should ordinarily remain undecided after the lapse of a twelvemonth from the date of institution. The income of suits during the past year has only exceeded that of 1842 by 48, while there is a falling off of 50 in the number of decisions on trial, and an accession of arrear, amounting in aggregate to 114 cases, the cause of which the Officiating Judge has not attempted to explain; circumstances, however, will shortly be brought under notice, which may serve to account for this apparent inactivity.

JUDGE.	
Headings, Nos. 1 to 14 ..	461
,, ,, 15 to 17 ..	3,219
	3,680
P. S. AMEEN.	
Headings, Nos. 1 to 14, ..	591
,, ,, 15 to 17. ...	25
	616

132. Mr. A. P. Currie, confining himself to the exercise of his appellate functions, decided on trial 171 appeals, leaving at the close of the year 43 undisposed of, all of which

had been instituted within the period under notice, and passed orders, after investigation of the merits, on 300* miscellaneous cases under Headings 1 to 14 of Statement No. 2, besides disposing of 3217 matters under the three remaining headings of the same Statement: with reference to the state of the files, to Mr. A. P. Currie's occupation for 49 days in Sessions and Criminal duties, and the devotion of 20 days to the hearing of Appeals from orders passed by the Moonsiffs, employed in the Family domains of the Rajah of Benares, (an obligation, imposed on the Judges of Mirzapore and Benares by the orders of Government cited marginally,†) more perhaps could not have been accomplished, and it is satisfactory to remark, that of the 43 cases remaining on the regular file, none had been depending for more than six months; as regards the resolution of Government above alluded to, Mr. Currie remarks, that the abolition of the Superintendent's Office, and the delegation of a portion of its duties to the Judge, has caused a considerable accession of work, to the disposal of which "a larger portion of time must in future be allotted:" what may be the extent of this additional labor, the Court have small means of judging, but they apprehend, that it may divert the attention of the Judge in an inconvenient degree from the more legitimate functions of his office, unless the state of Civil and Criminal business in this District remain stationary, and advertence to the details exhibited in past Reports shews, that this cannot be calculated upon with safety—one decision of Mr. A. P. Currie's court, heard in Special Appeal by the Sudder Dewanny Adawlut, was reversed, while of 7 orders passed by Mr. R. J. Tayler, which were reviewed by the Court, 3 met with confirmation, other 3 with modification, and one appeal was dismissed.

* Including Petitions for Appeal under Regn. VII. of 1825, 70
„ Petitions from Paupers, ... 35
„ Petitions for revision of judgment, ... 12
„ Petitions for summary appeal, ... 12
„ Decrees completely and partly executed, ... 39

† No. 1714, dated 6th April, 1843.

133. In the Principal Sudder Ameen's Court, administered during the whole year by Pundit Beerbul, 199 original suits, and two appeals, which remained over from the year 1842, were brought to decision after trial, and 419 miscellaneous cases, comprising the complete execution of 166 Decrees, and the partial fulfilment of other 58 decretal orders, were disposed of, after investigation of the merits: during the past year his services were not called into requisition in the adjudication of appeals, the number instituted being such as to render his aid unnecessary. In the Criminal department, 83 Criminal trials referred by the Magistrate, were determined, and 204 orders passed on Petitions and applications of a miscellaneous nature. Of the numerical deficiency of the Principal Sudder Ameen's performances there can be no doubt, but greater official ability, and a larger measure of industry, than can be reasonably ascribed to Pundit Beerbul, could hardly have effected a larger amount of work, seeing that the regular file shewed only 70 cases to be pending, and that the miscellaneous arrear was not very considerable; it is probable, however, that under the management of an Officer possessing qualifications, in which the Pundit has been found wanting, the arrear of longer standing than one year, which has been incidentally alluded to in the opening Paragraph of this Section, might not have existed. From his decisions, as Principal Sudder Ameen, 24 appeals were tried by the Officiating Judge, who reversed his orders in 11 cases or nearly half, while of 30 appeals from decisions, passed by him in the capacity of Sudder Ameen, the result was more favorable, 19 having been upheld, to 11 reversed or modified adverting to the advanced age of Pundit Beerbul, to his constitutional infirmities, and to his mental incapacity, the Court have thought it their duty, since the commencement of the current year, to recommend‡ his displacement, a resolution, which has since, with the sanction of Government, been carried into effect. Enquiries are now in progress, having for their object the ascertainment of the circumstances, which led to this man's first selection for judicial employment, and his subsequent promotion, and their result will, the Court earnestly hope, be such as to enable the Government notwithstanding the insufficient period of his service, which extends over 12 years, to bestow

‡ My letter, No, 819, dated 3rd May, 1844. Your reply, No. 1960, dated 22nd Idem.

upon him such pensionary allowance, as may contribute to his support in his old age. It will be the endeavor of the Court to provide a substitute, possessed of the energy and ability, which will qualify him to discharge impartially the important duties of the office, unawed by the influence and social position of the European members of the commercial community of Mirzapore, to whom the Pundit is represented to have succumbed. In two regular appeals, preferred direct to the Sudder Dewanny Adawlut from his Court, his decision was upheld in one, and the other case was remanded for re-trial.

134. Paragraph 95 of the Court's Report for 1842 adverted to the possibility, supposed by the Court to exist, of abolishing one of the Moonsiff's Courts, and providing for the demands of the Zillah by a judicious distribution of the work between the remaining Officers: the Court, reluctant to urge the reduction in opposition to the opinion of the Judge, left the question for future consideration, and it has not been revived during the past year, but attention will be kept directed thereto, and if the state of business should seem to admit of it, the abolition will be enforced on opportunity offering: the Officiating Judge, however, observes, (paragraph 15) that the work has very much increased in this Moonsiffee during the past year, and that this increase justifies his dissent from the project, suggested, of its abolition: this may be true, but nevertheless only 51 regular suits awaited decision in this Court, when December ended. The performances in the three Courts comprehend the adjudication of 724* regular suits, and the investigation and determination of 674 miscellaneous cases, including the complete enforcement of 276, and the partial execution of 185 Decrees, which, considering the lightness of the file in both departments, could not well have been exceeded: the depending arrear was small, consisting in the one branch of 293† suits, and in the other of 147 applications for execution of Decree, besides a few miscellaneous cases of other descriptions, all susceptible of speedy decision, and instituted within the period under report. Mr. McGowan, as in former years, has disposed of a larger quantity of business, than his brother Moonsiffs, having slightly exceeded the prescribed numerical standard of annual decisions, and carried out to complete or partial execution 262 or nearly 3-5ths of all the applications for enforcement of Decree, which were struck off the files under these two conditions.

* *Of which decided—*
Exparte, ... 99
Ikbal Dava, ... 197
296

† Of which 152 awaited decision in the Court of the Mirzapore Moonsiff, whose file alone affords adequate employment.

135. The superiority in the quality of his work is no less marked, as shewn by the marginal* table, than is his greater industry, and if it be remarked, as an unfavorable feature, that the proportion of appeals preferred, to decisions pronounced during the year, be somewhat higher, it must be on the other hand noted, that the proximity of his Court to that of the appellate authority may induce many to seek redress for a supposed grievance, who under other circumstances would have recognized both the justice and the correctness of the original judgment. In the Court of the Chunar Moonsiff two individuals officiated during the past year, and nothing creditable to either can be recorded: Thakoor Pershad was in charge for too short a period, from the 23rd February to the 24th July, to admit of any just estimate

		Tried.	*Confirmed.*	*Reversed or Modified.*	*Proportion of Appeals preferred during the year to decision passed during the same.*	*Proportion of confirmations to whole number of appeals tried.*
Mr. McGowan, ..	Moonsiff of Mirzapore,	61 ..	43 ..	18 ..	21½ per cent.	71 per cent.
Thakoor Pershad and Debee Pershad, ..	Moonsiff of Chunar, ..	22 ..	15 ..	7 ..	18 per cent.	68 per cent.
Mahomed Nusseer,	Moonsiff of Kuchwa, ..	35 ..	19 ..	16 ..	14½ per cent.	54 per cent.

being formed of his judicial acquirements, and Debee Pershad, appointed to act in his stead, has been, since the beginning of this year, dismissed on conviction of official misconduct, and disrepute discovered since his employment to have previously attached to him, and declared ineligible to any other office in the Judicial department. Mr. A. P. Currie, having in his Report for 1843 repeated an opinion unfavorable to the legal knowledge and efficiency of Mahomed Nusseer, the Moonsiff of Kuchwa, has been recommended with the concurrence of the Commissioner to require his attendance at the Divisional Committee of examination next assembled at Benares, with the view of ascertaining, whether he is qualified or not to retain the position, which he at present occupies; some of the Officer's proceedings, which have recently passed under the review of the Court, tend to corroborate the opinion, formed by Mr. A. P. Currie, of his judicial character, having been found so faulty, and so replete with error and irregularity, as to be deemed a bar to his promotion.

136. The revision of the Peadah establishment, declared in the 96th paragraph of the Civil Report for 1842, to have been made has been attended with success, and the re-adjustment of the records, also alluded to, is said to have been completed, as regards the records for the last ten years; the correspondence noted in the margin,* conveying the authority of Government for the disbursement of certain sums for the construction of racks, &c. is connected with this subject: the racks are in course of completion. It is matter for congratulation, that in this district, the provisions of Regulation XII. of 1833, authorizing Mookhtears to plead in Civil actions, are not availed of.

* My letter, No. 1,422, dated 1st August, 1843.
Mr. Secretary Hamilton's reply, No. 3,906, dated 26th Idem.
My letter, No. 1,939, dated 7th October.
Mr. Secretary Hamilton's reply, No. 5,016, dated 4th November.

BENARES.

137. The Court are indebted to Mr. D. B. Morrieson, who succeeded Mr. Rivaz, the late Judge early in the present year, for a Report, entering into a careful analysis of the statements, commenting on the results which they exhibit, and quoting the opinions recorded by his Predecessor regarding the relative merits and qualifications of the Native Judicial Officers, serving in the district of Benares, and they are gratified in being able to state, that the improvement, represented in the 97th paragraph of their last Report, as characterizing the operations of the Benares Courts during the year 1842, has been progressive, as will be perceptible on inspection of the following comparative details, the insertion of which may be continued with advantage, until the aspect of business shall have been assimilated to that observable in other districts; the subjoined statement shews the number of regular and miscellaneous cases, which appeared on the files of the several tribunals at the close of the last three years, and may be regarded as an index of the success, with which the efforts of the judicial authorities to reduce the accumulated arrear of cases of former years have been attended:

2 JUDGES.

Headings, Nos. 1 to 14....	1058
„ „ 15 to 17....	5431
	6489

2 PRINCIPAL SUDDER AMEENS.

Headings, Nos. 1 to 14....	761
„ „ 15 to 17....	953
	1714

	Regular Suits.	*Execution of Decree.*
1841,	229	191
1842,	204	115
1843,	36	32

which, with 5 other cases under the 13th and 17th Headings of Statement No. 2, that were pending before the Principal Sudder Ameen, constituted the whole amount of business undisposed of, the institution of which dated prior to 1843. Further to elucidate the foregoing Statement, another

table is entered in the margin,* in which these old cases are distributed according to the Court, in which they were depending when December closed, and the year of their institution; of the regular suits many had been remanded at dates comparatively recent, and of the applications for execution of decree 11 awaited the sale of property under attachment, and were approximating speedily to a conclusion. If this review be extended, as is not unusual, to the first quarter of the current year, the state of things will be found yet more favorably represented by the fact, that the number of regular suits, older than a year, had fallen to 22, of which again, 12 had been decided before the statements, representing these results, passed under the revision of the Court, at which time, likewise, only 22 cases, relating to the execution of decrees, similarly protracted in their duration, awaited completion, according to the following proportions:

Judge's Court,	1
Principal Sudder Ameen's Court,	18
Additional Principal Sudder Ameen's Court,	2
Moonsiff of Chandnee Chouk,	1
	22

138. Without withholding from the several Officers the credit, which is due to their exertions for the considerable reduction effected during the past year in the number of old cases, the Court consider, that there is still much room for improvement, which the aid of two Principal Sudder Ameens, and the numerical efficiency of the subordinate agency at the Judge's disposal should enable him in the course of the current year to accomplish: the arrear is still comparatively heavy, but the Court are confident, that under Mr. D. B. Morrieson's administration, no want of proper diligence or method on the part of the Native Judicial authorities will be permitted, and that neither ability nor care in the supervision of their acts will be wanting, and they entertain a well grounded hope, that, by the end of the present year, the files of the Benares Courts will be as little encumbered with business of long standing, as is found to be the case in the majority of Districts within the jurisdiction of this Court. During the period under notice, the detailed review of periodical returns has not been neglected, neither have the best efforts of the Court to conduce to an improved system of administration, by pointing out to the Judge, for correction, manifold defects and errors in the conduct of both regular and miscellaneous cases, been relaxed, and the result affords reason to believe, that they have not been ineffectual; it must at the same time be remarked, that, until a lateperiod of the past year, the irregularities noticed in the 101st paragraph of the Civil Report for 1843, as preventive of the clearance of arrears, were found to prevail, and were commented on in the following terms by the Judge, who revised the periodical statements from this District, with a view of calling the attention of the Zillah Judge to their early amendment; "the Court regret again to observe, that the protracted dependence" of many cases "is to be attributed to the unauthorized absence of pleaders, to their inattention to the requisitions of the Presiding Judge, and to that laxity of procedure, which, assigning a period for the fulfilment of a specific act, is careless, whether the order be obeyed within the time fixed and notified, or not; as regards

* *Original Suits.*

	1838.	1839.	1840.	1841.	1842.	
Principal Sudder Ameen,	1	1	2	6	14	= 24
Addl Principal Sudder Ameen,	0	0	0	2	7	= 9
Moonsiff of Chandnee Chowk,	0	0	0	0	2	= 2
						35
Principal Sudder Ameen—Appeals,					1	= 1
						36

Execution of Decree.

	1840.	1841.	1842.	
Judge,	0	0	1	= 1
Principal Sudder Ameen,	1	1	26	= 28
Addl. Principal Sudder Ameen,	0	1	2	= 3
				33

the non-attendance of Pleaders, the uncovenanted judges should be required to take measures to prevent the inconvenience resulting from it, and to enforce the execution of their orders, and they should be desired, on finding their own endeavors ineffectual, to report the misconduct of the offending Pleaders, with a specification of the several occasions, on which they have rendered themselves amenable to censure, for such notice, animadversion or punishment, as the Judge may think merited. Again, the practice of allowing a limited time for the performance of any act, however favorable to celerity of dispatch, when rigidly enforced, is, when carried out in the careless manner above indicated, injurious, as necessarily tending to nullify the effect of every such injunction, whenever issued. Other similarly questionable excuses for failure to bring suits to a termination are noticed, as 'the lateness of the hour,' 'press of business' and occupation in the miscellaneous department, all which have on former occasions been characterized as inadmissible," with reference, of course, to the circumstances, under which these impediments were represented to have occurred. These defects have lately been less manifest, and it is hoped, that no long time may elapse, before the reformation, shewn to have been needed, may be introduced.

139. A trifling decrease, to the extent of 93 suits, is perceptible in the aggregate number of cases before the several Courts during 1843, and the diligence of the Officers concerned is represented in a creditable light by the fact of 376 more suits having been decided on trial, than in 1842, and the arrear, by the end of the year, having been smaller by 392 cases, as compared with the state of the file at its commencement; the increase in the amount of decisions is chiefly ascribable to the Courts of the Moonsiffs, whose labors will receive notice in a subsequent paragraph. The Judge, Mr. Rivaz, though deprived in February 1843 of the assistance rendered by the Additional Judge, owing to the abolition of that Office, has been enabled by the transference of the Agency duties to another functionary to accomplish a larger amount of business, than has marked the result of his exertions for two or three years; during 178* days, that were devoted to Civil duties, he decided on trial 126 regular suits, all but 3 of which were appeals, and passed orders on the merits of 357 miscellaneous cases under the 14 important Headings of Statement No. 2, including 89 Petitions for summary Appeal, 77 Petitions from Paupers, 31 applications for execution of decree, completely or partially executed, and 38 cases of objections to orders passed in the course of such execution, all being matters, which usually demand time and trouble in their investigation: to this must be added the passing of 4959 orders on the proceedings, petitions and other miscellaneous applications, comprised in the three last Headings of Statement No. 2, and the decision of 51 Sessions trials, and 334 Criminal Appeals during the 116 days engrossed by that branch of his duties. By Mr. George Lindsay, previous to his removal, 19 Appeals were tried and adjudicated, and a few miscellaneous cases disposed of. It may from this review be justly inferred, that the withdrawal of the Additional Judge's assistance has been in a measure counteracted by the delegation of duties appertaining to the Benares agency to another Officer, though not to that extent, which the frequent representations of Mr. Rivaz regarding his liability to interruption by demands on his time in that department might have afforded reasonable ground to expect, for, though his performances, during 1843, exceed those of antecedent years, yet the decision of 126 regular, and 357 miscellaneous cases, is apparently a small amount of work to have occupied 178 days and the number (129) of suits, depending on the former file, is larger than might have been desired; the operation of Government Orders, dated 6th April, 1843, No. 1714, imposing upon the Judge of this District the obligation of hearing appeals, preferred from the orders of Moonsiffs employed in the family Domains of the Rajah of Benares, to which no allusion is made either in the Judge's Report, or the statements, which accompanied it remains to be seen. The only case of no longer standing than one year on the file of the Judge's Court was an application for execution of Decree, the completion of which was stayed by the Sudder Dewanny Adawlut, pending the determination of an appeal preferred from Mr. Rivaz's

* *Note.*—The Judge in his Report says that Civil and Criminal duties occupied 165 days, the cause of the discrepancy is not explained.

final order—4 appeals, 2 regular and 2 special, which came before the Sudder Dewanny Adawlut from Mr. Rivaz's Court were all remanded.

140. The 99th paragraph of the Civil Report for 1842 has reference to the removal of Moulvee Ghoolam Yuheea, the late Principal Sudder Ameen of Benares, and the substitution of another officer, possessing a good reputation, was expected to have "a beneficial effect on the administration." The results anticipated have not ensued, the cause of which is to be sought, rather in the physical feebleness, advanced age, and incapacity for labor, of Moolvee Hukeemooddeen, the Principal Sudder Ameen's successor, and in the reluctance, with which he joined the new scene of his duties, than to any culpable and avoidable want of application. He assumed charge on the 13th June, and after struggling through the year with frequent, and sometimes long continued, intermissions of labor, was permitted to retire from public employment on the superannuation pension,* to which he was, by his prolonged service, and respectability of character, entitled. Under the administration of an officer, Moulvee Ghoolam Yuheea, with whom such "grave dissatisfaction" had been found as to lead to his displacement, and of a successor, deficient in the requisite energy, and apparently pre-determined, before joining, on secession from judicial office, no remarkable success could have been anticipated, and if the business transacted in this Court appear, as indeed must be admitted, most insufficient, to the circumstances above noticed must the deficiency be ascribed, and not to any defect of supervision on the part of Mr. Rivaz, who, in the minute left by him, has deprecated any such imputation. The work, dispatched in this Court, comprised the trial and adjudication of 106 regular cases, of which 73 were original suits and 33 appeals, and the investigation and disposal by an order on the merits, of 156 miscellaneous cases and petitions under Headings 1, 7, 10, 11, 12, 13 of Statement No. 2, including the complete or partial enforcement of 85 decrees; the arrear on the regular file at the end of the year was double of that, which appeared at its commencement, and comprised, as above noted, 24 suits of longer standing than a twelvemonth, while in the miscellaneous department likewise, a considerable accession to the number of depending cases is perceptible. Mr. Morrieson considers the performances of these two officers so unsatisfactory, that he has not thought it "worth while to separate the portion done by each" of them, "as it would reflect little credit on either;" they were, neither of them, employed in aiding the Magistrate. As regards the judicial qualifications of these functionaries, now no longer in office, it may be sufficient to add, that the faultiness of judgment, represented by the marginal† extract from the appeal statement, is no less remarkable than their official inaptitude, and leaves little room to regret their retirement into private life. Since the commencement of the present year, Mahomed Jumeelooddeen Khan, appointed Principal Sudder Ameen of Benares, under the orders of Government, dated 21st October, 1843, has entered upon the discharge of his duties, and will, it is hoped, justify the favorable testimony, which has been borne to his merits, by effecting the reformation of the Principal Sudder Ameen's Court, and doing away with the reproach, which has so long and so unenviably attached to it.

* My letter, No. 1815, dated 14th Sep. 1843. Your reply, No. 4791, dated 31st Oct. 1843.

† | | *Regular Appeals tried.* | *Confirmed.* | *Reversed.* | *Proportion of reversals to trials.* |
|---|---|---|---|---|
| As Principal Sudder Ameen, .. | 16 | 4 | 12 | 75 per cent. |
| As Sudder Ameen. ..... | 11 | 3 | 8 | 72½ per cent. |
| | 27 | 7 | 20 | |

Note.—Of 8 Regular Appeals heard by the Sudder Dewanny Adawlut, Moulvee Ghoolam Yuheea's judgment was confirmed in 5, two cases were sent back by remand, and one was adjusted.

141. The transaction of business in the Court of the Additional Principal Sudder Ameen has not been free from interruptions, unexpected, as they were unfortunate. Mr. J.

Campier, who acted in this capacity until the adjournment of the Civil Courts on account of the Dusserah vacation on the 20th September, met with a serious accident during his absence, and was incapacitated from resuming his judicial functions during the remainder of the year; the emergency of the occasion, augmented by the debility of Moulvee Hukeem-ooddeen the Principal Sudder Ameen, was represented by Mr. Rivaz to be so pressing, that the Court took upon themselves the responsibility of directing the immediate deputation of Kazee Yar Alee, the Sudder Ameen of Azimgurh, to officiate during Mr. Campier's absence, an arrangement, which was reported to Government,* and received their approbation: under the authority thus conveyed, Kazee Yar Alee joined on the 20th November. It cannot be concealed, that the decision on trial of 156† regular suits, 128 being original, 28 appeals, and the disposal, after investigation of the merits, of 215‡ miscellaneous cases under Headings 1 to 14 of Statement No. 2, is a less amount of work, than should have been brought to a termination,—neither can it be denied, that that performed by Kazee Yar Alee during the short period of his incumbency, contrasts unfavorably with that dispatched by Mr. J. Campier, as regards the latter, nor, that the dependence of 114 regular cases at the end of the year is calculated to add force to the impression, that in Mr. Campier's method of business, there is something faulty, and needing correction.

* My letter, No. 2,053, dated 11th November, 1843. Mr. Secretary Hamilton's reply, No. 5,380, dated 6th December, 1843.

† Mr. J. Campier,..... 101
Kazee Yar Alee,..... 55
—— 156

‡ Mr. J. Campier,..... 180
Kazee Yar Alee,..... 35
—— 215

* Of which 31 were decrees completely, and 73, partially enforced.

142. The Court have never withheld from this Officer the commendation, which is due to an anxious desire to fulfil his duties with efficiency, and they have therefore thought it due to him to notice, at considerable length, an original letter, (herewith submitted) in which he has attempted to defend the insufficiency of his performances, and to account for delays in transmitting his records for deposit in the Judge's office, within the prescribed period, which formed the subject of animadversion during the past year. The Court, acknowledging that a comparison of results (as above detailed) with those exhibited in the returns for 1842, was so far favorable, that a larger quantity of business had been brought to a termination by his exertions, expressed their inability to admit, that the standard of comparison selected by Mr. J. Campier, was a just one; the opportunity was availed of to correct an apparent misconception on the part of Mr. J. Campier, of the Circular Order, No. 1978, dated 14th October, 1843, cited by him, as opportunely aiding the efforts of his temporary substitute to expunge old cases from the file, by informing him, that it had reference only to applications for execution of Decree, and was designed simply to remove erroneous impressions in respect to the rule of default in cases of that nature only; these remarks were communicated, rather with the view of anticipating the possibility of error, suggested by the vagueness of Mr. J. Campier's phraseology, than under the supposition, that he could have so far misunderstood the plain purport of the order in question, as to conceive that the express injunctions of Act XXIX. of 1841 could be superseded thereby. As regards his attempt to shew, by arithmetical calculation, the impossibility of complying with the directions§ of the Court, for the completion and transmission of the records of decided cases within a limited period, the Court have observed to the Judge, that the computation of such labor with arithmetical precision is impossible, consistently with the certain fact of different persons being endowed with different degrees of ability, and aptitude for business, and that, if possible, the correctness of the particular computation under notice may be reasonably questioned, inasmuch as the Periodical returns, which must be admitted to afford credible evidence on this point, rarely exhibit instances of failure to fulfil the injunction, which Mr. J. Campier denounces as impossible of execution. It remains to notice the result of appeals from this Officer's decisions, and the opinion recorded by the late Judge of his official merits, as well as of the manner, in which his tem-

§ See Circular Order Sudder Dewanny Adawlut, No. 49 dated, 20th September, 1839.

porary substitute, Kazee Yar Alee, conducted the duties entrusted to him. Of 13 orders passed by the former in his capacity of Principal Sudder Ameen, which were revised in appeal by the Judge, 6 were upheld and 7 reversed, the latter fate also befalling 5 out of 9 decisions, pronounced by him as Sudder Ameen. The Court allowed his judgment to stand unaltered in 4 out of 7 appeals preferred to them direct, while of the remainder, one case was sent back by remand, in another Mr. Campier's decree was modified, and in a third reversed. The impression, derived from this Statement, is little less unfavorable to Mr. Campier's ability and carefulness of decision, than that conveyed by the 102d paragraph of the Court's last report, but he is said, nevertheless, to have maintained "his former good character" though laboring under infirmities, which, interfering with the discharge of his duties, induced him to apply for a Superannuation Pension, which, though entitled by length of service, and great respectability, he was unable to obtain, owing to the absence of a Medical Certificate. The Court have had an opportunity,* lately, of bringing to the notice of Government, the official merits of Kazee Yar Alee, who, during the period of his incumbency at Benares, is declared by Mr. Rivaz "to have performed his duties most efficiently" and to have been indefatigable in his application to business.

* My letter, No. 1086, dated 11th June, 1844.

143. A reference to the Court's last Civil Report will shew, that at the close of 1842, no less than 134* regular suits, and 71 miscellaneous cases, of date prior to its commencement, awaited determination on the files of the Moonsiffs, and that, owing to interruptions alluded to in the 100th paragraph thereof, only 1003 suits were adjudicated in the 5 Courts, at an average rate of about 200 to each. The contrast, presented by the returns under review, is very gratifying, and reflects great credit on these functionaries, who, under the repeated exhortations of the Court and the Zillah Judge, seem to have exerted themselves with very successful effect. When 1843 ended, 2 regular suits before the Moonsiff of Chandnee Chowk composed the entire arrear of every description, which had been depending for upwards of a twelvemonth, and the removal of the interrupting causes, alluded to, has enabled the five Moonsiffs to decide on trial 1530† suits, of which 362 were decreed exparte, and 205 on confession of judgment, and to pass orders, on the merits of 2181 miscellaneous cases, inclusive of the full enforcement of 473 Decrees, and the partial settlement of 134 other adjudicated claims: Kazee Furzund Alee, of Moghul Serai, Hussun Ruza, of Subheepore, and Inayut Hossein of Mendooa Deeh, failed to attain to the prescribed standard, while the other two Moonsiffs, "whose diligence, knowledge of Civil Law, and mode of conducting their duties" are said by Mr. Rivaz to "entitle them to great praise," largely exceeded it: the deficiency in the three first Courts could hardly have been avoided, with reference to the lightness of their files, and reason is afforded for supposing, in concurrence with Mr. D. B. Morrieson, that a re-adjustment of jurisdictions might, by equalizing the work instituted, tend to improve the efficiency of all five Courts.

	Regular suits.	*Miscellaneous.*
Moonsiff of Moghul Serai,	35	44
Ditto. of Chandnee Chouk,	34	19
Ditto. of Jugutgunge,	2	0
Ditto. of Subhepore,	30	8
Ditto. of Merwadeh,	33	0
	134	71

† At an average rate of 306 to each Officer.

144. 152 * Appeals from the decisions of the Moonsiffs were brought to a termination by the Judge and 2 Principal Sudder Ameens, by the confirmation of the original judgment in 86, and its reversal in 66 instances, or in the proportion of 43 per cent to the aggregate number tried, but from this general Statement, which betrays, so far as it may be considered a just criterion, defectiveness

	Tried.	*Confirmed.*	*Reversed or modified.*
By Judge	74	38	36
By Additional Judge	17	11	6
By Principal Sudder Ameen	33	23	10
By A. P. Sudder Ameen	28	14	14
	152	86	66

of judgment, it is right to disconnect the result of appeals from the orders passed by Doobey Joala Pershaud, the Moonsiff of Juggutgunje, and Benee Lall of Chandnee Chowk, whose ability is more creditably represented by the subjoined table.

	Tried.	*Confirmed.*	*Reversed or modified.*	
Moonsiff of Juggutgunge, ...	26	16	10	38 per cent.
Moonsiff of Chandnee Chowk, ...	31	22	9	29 per cent.

Referring to the remarks of Mr. Rivaz regarding the "incurable deafness" of Kazee Furzund Alee, as giving rise to some intention on his part to apply for a Pension, the Court have observed to Mr. D. B. Morrieson, that this infirmity constitutes almost a disqualification for Judicial Office, as detracting greatly from the trustworthiness of evidence, supposed to be recorded in the Kazee's presence, and of decisions based on that evidence, and as leaving him in too large a measure dependent on the aid of his ministerial Officers, and subject to the effects of their chicanery and fraud, and they have added an expression of their opinion, that Kazee Furzund Alee, advancing in years, declining in mental vigor, and suffering under organic infirmity, might be advised to accept Pensionary support from Government; he is said to enjoy a high character for "integrity," but he can be little commended for legal acquirements or regularity of practice.

145. It is believed, that the foregoing review of the Judicial operations in the District of Benares will not disappoint the expectations, expressed by the Hon'ble the Lieutenant Governor in Mr. Secretary Hamilton's letter, No. 5352, dated 30th November, 1843, that the improvement noticed in the Courts Report for 1842, as incipient, would by the close of 1843, have become "more marked and decisive."

146. As the correspondence noted in the margin* will have brought before Government the circumstances, connected with the assortment and arrangement of the Records of the Benares Court, and as the pecuniary aid needed has been accorded, the subject need not be further mentioned, except to express a confident hope, that before the submission of the next Annual Report the work will have been efficiently and completely executed. With reference to Mr. Campier's remarks regarding the allotment of authorized Pleaders to the Courts of the Judge and Principal Sudder Ameen, I am desired to submit in Appendix (L) extract, paragraph 7, from a letter† written to the Judge by the direction of this Court, with a view of enjoining obedience to the Law in this respect, and thus obviating the impediments, occasioned to business by the alleged absence of Pleaders; the measure is expected to be very beneficial.

* My letter, No. 923, dated 20th May, 1844. Your reply, No. 2170, dated 7th June, 1844.

† No. 771, dated 30th, April, 1844.

GHAZEEPORE.

147. The aspect of Civil business in this District, as contrasted with that represented in the Court's Civil Report for 1842, is very satisfactory, and reflects much credit upon the supervising direction of Mr. Heyland, who presided as Judge throughout the year, and the assiduity of all the subordinate judicial functionaries. When 1842 ended, 52 regular suits and 22 applications for execution of Decree, instituted prior to its commencement, encumbered the files of the several Courts, whereas, by the close of the period under review, the arrear of this description in the former department had been reduced to 3 cases, of which one was decided early in this year, and in the latter to 9, of which 8 were confined to the Court of the Moonsiff of Rusra, with whose proceedings the Judge found reason to be somewhat dissatisfied, as evincing a want of proper care and attention to the pre-

Judge.	
Headings, Nos. 1 to 14 ..	557
,, ,, 15 to 17 ..	4505
	5062

Principal Sudder Ameen.	
Headings, Nos. 1 to 14, ..	506
,, ,, 15 to 17, ..	422
	928

paration of the cases brought before him; as regards the general file, and the quantity of business brought to a termination by the whole Judicial Establishment of this District collectively, it is to be remarked that, notwithstanding the institution during the past year of 140 more suits than in 1842, there were 128 fewer before the Courts, owing to the diminution of 268 in the arrear of that year; nevertheless, the decisions on trial were more numerous by 93, the depending cases were fewer by 179 at the close, than at the commencement of 1843, and of the 593 original suits, which awaited decision in the Courts of the Moonsiffs, all but 9 were instituted within the last six months of the period under report. These improvements, accomplished in spite of the reduced strength of the Judicial agency, owing to the withdrawal of the Additional Principal Sudder Ameen's assistance, are considered very praiseworthy, and as entitling all the Officers concerned to this public acknowledgment of their energetic and efficacious industry.

148. The performances of Mr. Heyland, the Judge, comprised the trial and decision of 384 regular suits, all but 3 of which were appeals, and the disposal, after investigation of the merits, of 395 miscellaneous cases, under Headings 1 to 14 of Statement No. 2, including the important matters indicated by the marginal table,* besides the passing of 4,501 orders under the three remaining headings of the same statement. His duties, as Judge of Sessions and Criminal Appeal, were light, occupying only 45 days, with a portion of 12 others, thus leaving sufficient leisure for devotion to the transaction of Civil business, and the maintenance of an active control over the proceedings of the subordinate tribunals. Only one suit was tried in this district by the means described in Regulation VI. of 1832, and that case the Judge decided in concurrence with the award of the Punchayet, to whom it was referred for enquiry and opinion; in a letter submitted by Mr. Heyland, as supplementary to his Report, he ascribes the infrequency of resort to the auxiliary agency permitted, to the distance of the town from the Court House, the difficulty of procuring persons of suitable character and attainments to serve as Jurors or Assessors in Civil actions, to the repugnance of the people, generally, to incur odium by the expression of an unbiassed opinion, and to the indifference usually evinced by litigant parties to the association of their countrymen with the presiding Judge in the hearing and adjudication of their cases: these are the objections, which have been generally urged since the first introduction of the Law, and there is no reason to suppose, that they do not continue as active in their operation, as at the first, but this does not account for the falling off in the number of cases, tried with the aid of the agency mentioned, as compared with that† shewn in the returns for 1842. During the past year, 7 Special Appeals were heard by the Sudder Dewanny Adawlut from this Court, in 3 of which Mr. Heyland's judgment was confirmed, in one reversed, and the remaining 3 were remanded for retrial. Mr. Armstrong's order was interfered with in one Special Appeal tried.

* Petitions for Review of Judgment, ...	12
Petitions for Summary Appeal, ...	27
Petitions of appeal under Regulation VII. of 1825,	80
Petitions from Paupers, ...	18
Petitions from Insolvents, ...	12
Petitions for redemption and for closure of mortage,	35
Decrees completely executed, ...	104

†25.

149. Moulvee Mahomed Zuhoor, the Principal Sudder Ameen, who receives the higher rate of salary, established by the Resolution of Government, dated 2d October, 1837, and who is said to have maintained during the past year, "the same high character for probity, zeal and ability, that has always been awarded to him," tried and decided 323 regular cases, of which 158 were original suits, and 165 Appeals; he was also active in the miscellaneous branch of work, having passed orders on the merits of 674 cases, 252 of which appear under the 14 important Headings of Statement No. 2, and comprise the complete enforcement of 86 decretal orders, and he left but little susceptible of disposal, pending on this file at the close of the year; as noticed in a foregoing paragraph, the arrear of longer standing than a twelvemonth, was insignificant, being confined to 2 regular suits, and 2 cases under Heading 13 of the miscellaneous Statement No. 2, all instituted in 1842, and none involving

delay, which could be declared avoidable or blameworthy. He likewise disposed of 17 Criminal trials, and 29 applications and petitions, in that department, of a miscellaneous nature. The testimony, borne to the Principal Sudder Ameen's merits as a Judicial Officer, seem to be borne out by the result of appeals from his decisions; 44 regular appeals from judgments passed by him as Principal Sudder Ameen, and Sudder Ameen, were adjudicated by the Judge, and in 31 of the number his orders were permitted to remain without alteration or modification, giving a proportion of 70 per cent to the whole number of trials; of 9 special appeals also heard by the Judge, 7 terminated in the confirmation of Moolvee Mahomed Zuhoor's decision, while of 1 special and 10 regular appeals preferred to the Sudder Dewanny Adawlut, direct from the Principal Sudder Ameen's Court, his order was upheld in six instances, in one reversed, in one modified, and the other 3 cases were sent back, dismissed, and adjusted. Improvement is also observed by Mr. Heyland to have occurred in the stricter attention, bestowed by this Officer on the preparation of his cases for adjudication, the importance and necessity of which in previous years, owing to the encumbered condition of his file, were inadequately estimated, and the result is apparent in the large quantity of business brought to a conclusion during 1843, as contrasted with that performed in the antecedent annual period, in the almost entire demolition of the old arrear, and in the reduction by its close of the number of depending cases from 285 to 134.

150. Agreeably to the arrangement announced in the 106th paragraph of the Civil Report for 1842, Kazee Zeeaoollah, appointed under the orders of Government dated 23rd December 1842, to officiate as Sudder Ameen of Ghazeepore, continued from the commencement of the year, until the 28th September, 1843, to discharge the duties of that station; in the correspondence* particularized marginally, the considerations, which seemed to render the permanent attachment to the Ghazeepore Court of an Officer, competent to hear and adjudicate suits legally cognizable by Sudder Ameens, are detailed, and it may be unnecessary to do more, than mention, that both economy, and the efficiency of the administration have been consulted, and, as far as the Court at present have an opportunity of judging, these purposes have been successfully answered, by the junction of the offices of Sudder Ameen and Moonsiff of Ghazeepore in the person of Mr. J. Kirk, and by the curtailment of his jurisdiction in the latter capacity, to enable him to fulfil the duties devolving on him in the former. In this Court, administered as above stated, were decided on trial 254 original suits, and 744 miscellaneous cases, after investigation of the merits, including the enforcement, either in part or in full, of 123 Decrees, according to the distribution noted in the margin,† and no cases, older than 1843, remained depending at its close. Kazee Zeeaoollah, who has since returned to his substantive appointment at Jounpore, is declared by the Judge to be "an intelligent Officer, well acquainted with the regulations," and bearing "a high character for probity," but wanting in "that strict attention to the preparation of his suits for trial which is so desirable," and this estimate of his judicial ability, carefulness of investigation, and legal attainments, is corroborated by the fact of 37 decisions passed by him having been upheld out of 48‡ revised in Appeal by the Judge

* My letter No. 1480, dated 7th August, 1843. Mr. Secretary Hamilton's reply, No. 4267, dated 16th September, 1843.

† | | *Regular Suits.* |
|---|---|
| Kazee Zeeaoollah, from 15th Jany. to 28th Sept. | 205 |
| Mr. Kirk, from 29th Sept. to end of year, ... | 49 |
| | 254 |

	Miscellaneous Cases.
Kazee Zeeaoollah,..	403
Mr. Kirk, ...	341
	744

‡

	Tried.	*Confirmed.*	*Reversed or Modified.*
Judge, ...	27	31	6
P. S. Ameen,..	11	6	3
	48	37	11

and Principal Sudder Ameen. Mr. J. Kirk entered upon his duties in the Sudder Ameen's Court at too late a period of the year, to admit of any Appeals being preferred from his decisions in that capacity. Mr. Heyland, however, entertains a favorable opinion of this Officer, who has long been subject to his supervision, and anticipates benefit to the Administration of Civil Justice in the District under his control from the conferment upon him of a Sudder Ameen's powers, thinking that the arrangement, thus rendered permanent, will suffice to relieve his own files and those of the Principal Sudder Ameen, without calling in temporary auxiliary agency, which is always objectionable, unless it be shewn, that causes of temporary operation only have given rise to the necessity for its provision.

151. With the concurrence of the Commissioner and under the sanction of the Court, the Moonsiffee jurisdictions in this District have undergone revision and the sites of the several Courts have been altered, with a view partly of centralizing the latter, and partly of preventing too large an accumulation of business in the Ghazeepore Moonsiff's Court, owing to the devolvement upon him of a Sudder Ameen's duties; these modifications are incidentally alluded to in my letter, No. 1,480, dated 7th August, 1843, and fully detailed in its enclosures. By the five Moonsiffs employed throughout the year, 1867 regular suits were determined after trial, of which 531 were decreed exparte, and 453 on confession of judgment, and orders were passed after investigation of the merits, on 2359 miscellaneous cases of every description, 1322 of which are represented to have been the work of one officer, the Moonsiff of Ghazeepore; as many as 873 of these appear under the last two Headings of the Statement No. 3, and so large is the disproportion between that number, and the amount said to have been disposed of by other Moonsiffs under the same headings, that the Court are led to apprehend the prevalence of an erroneous system of entry, and will call upon the Judge to enquire and report on the subject. The aggregate of decisions on trial yields an average of 373 to each officer, which, added to the miscellaneous work above noted, including the complete execution of 799 decrees, and the partial enforcement of 288 others, affords tangible evidence of the industry, which has been displayed by all,—but especially by Mr. J. Kirk, the Moonsiff of Ghazeepore, who himself decided 455 regular cases, and struck off 199 applications for execution of decree after complete fulfilment of the order. As regards the work done in the regular department, the Court observe, that the proportion of cases decreed exparte and on confession of judgment is large, and that the Judge might have endeavored to shew the origin of this preponderance, which has been traced in other districts to the unworthy devices of the Moonsiffs in making suits to prevent the abolition of their office. It has been already stated in a foregoing paragraph, that nearly all the cases, whether regular or miscellaneous, of longer standing than a twelvemonth were pending before Syud Ahmed Alee, the Moonsiff of Rusrah, who has been blamed for the neglect exhibited in their preparation, but, as he possesses ability, and has received such instructions as were needful from the Judge, there is every reasonable expectation of early amendment.

152. In the marginal* table is exhibited the result of appeals heard by the Judge and Principal Sudder Ameen from the decisions of incumbent Moonsiffs, which, taken in the aggregate, cannot be considered as other than indicative of faulty judgment, insufficient investigation, or defective knowledge, but with the exception of the Bulle-

	Tried.	*Confirmed.*	*Reversed or modified.*	
* Mr. J. Kirk, Moonsiff of Ghazeepore.....	106	55	51	
Abdool Ruhman, Moonsiff of Bulleeah.....	60	29	31	
Syud Ahmed Alee, Moonsiff of Rusrah. ..	78	44	34	
Abdool Uzeez, Moonsiff of Mahomedabad.	90	64	26	
Sheikh Ahmed Alee, Moonsiff of Seydpoor.	33	23	10	
	(a)367	215	152	41 per cent.
(a) By Judge, ...	217	135	82	
By Principal Sudder Ameen.....	150	80	70	

ah Moonsiff, who is inexperienced, and Syud Ahmed Alee of Rusrah, whose proceedings have been above alluded to, all these functionaries are said to have given satisfaction, to be of good repute, intelligent, and well acquainted with the Regulations, by which they must be guided in the conduct of their duties: the small proportion of orders, reversed in appeal from the Courts of Mahomedabad and Sydpore, is creditable to the functionaries concerned, both of whom receive the higher rate of salary, the latter having only recently acquired,* this distinction, after many years of meritorious service.

* V. My letter, No. 402, dated 7th March 1844. Your reply, No. 1113, dated 23rd Idem.

153. The location of the Moonsiffs' Courts at Bulleah, Rusrah, Mahomedabad and Sydpore, which are likewise the sites of Tehseeldaree Kutcherries, has rendered practicable the extension to this District of the Circular Order, dated 18th September, 1840, which constitutes the latter, places of deposit for sums realized by Moonsiffs from the sale of real property, in satisfaction of their decrees, and it is hoped, that the practical result of the measure may prove beneficial; the Judge has been requested to report on the subject after a fitting interval.

KUMAON.

154. In former reports, the successful operation of the Assam Rules, extended to this Province by the resolution of Government, dated 26th January, 1839, has been demonstrated, the numerical efficiency of the Judicial Establishment, and its adequacy to the wants of the Province, are acknowledged, and the cheapness and celerity, with which justice is administered, are shewn, by the progressive increase of business brought before the Courts year after year, to have been appreciated by the primitive inhabitants of the tract. These conclusions are fully borne out by the details represented in the statements, which accompanied Mr. G. T. Lushington's Report for 1843. An increase of 932 in the number of suits instituted, and of 1394, pending before the Courts during the period under notice, was met by corresponding exertion on the part of the Judicial Agency employed, 350 more suits having been decided on trial, and the arrear on the general file denoting a decrease of 699 cases at the end of the year, as compared with its condition at the commencement; all the 1,620 cases, which remained for future decision, were instituted within the year, with the exception of two of 1842 in the Court of the Kumaon Moonsiff, the prolonged dependence of which was, so to say, nominal, having been sent back at a comparatively recent date for further investigation by the assistant.

COMMISSIONER.	
Headings, Nos. 1 to 14, ...	155
" " 15 to 17, ...	54
	209
2 SENIOR ASSISTANTS.	
Headings, Nos. 1 to 14, ...	1019
" " 15 to 17, ...	198
	1217
JUNIOR ASSISTANT.	
Headings, Nos. 1 to 14, ...	414
" " 15 to 17, ...	"
	414

155. In the subjoined table is exhibited at one glance the quantity of business, both regular and miscellaneous, dispatched by the several tribunals, as well as the manner, in which it terminated.

	Number of cases, regular, appeal and original, before the Courts.	Decided on trial.	Dismissed on default.	Adjusted or withdrawn.	Pending.	Decided on merits. Miscellaneous. Headings 1 to 14.	Decided on merits. Miscellaneous. The remaining headings.
Commissioner Mr. G. T. Lushington,	674	292	166	130	86	126	41
Senior Assistant Mr. J. H. Batten,	1176	196	646	170	164	269	56 0
Senior Assistant Capt. Huddleston,	1014	272	569	141	32	149	142
Junior Assistant Mr. H. Ramsay,	1452	261	856	65	270	218	0
Sudder Ameen Sib Churn Sing, of Kumaon,	2242	234	1509	168	331	67	0
Sudder Ameen of Gurhwal, Trilochurn Joshee,	928	144	492	103	189	0	0
Moonsiff of Kumaon,	2457	242	1678	168	369	0	0
Moonsiff of Gurhwal,	1473	186	783	325	179	0	0
	11416	1827	6699	1270	1620	0	0

This Statement is distinguished by the same features, which have always characterized the operations of the Kumaon Courts, and indicates the irrepressible litigiousness of the people residing within their jurisdiction, no less than the facility, with which, having instituted civil actions, they relinquish their prosecution, and allow them to go by default: this fate, as will be observed, befel 6,699 cases out of 11,416 before the Courts, while of the remainder, 1,270 were adjusted by mutual agreement, and the comparatively small number of 1,827 were decided on trial. Nevertheless, the sufficiency of the work done by the assistants, judged by the numerical standard,* determined in 1840, cannot be questioned, and it is gratifying to observe, that they have maintained, during the past year, by their pains-taking industry, and by the general discreet and judicious exercise of their authority, the character which Mr. Lushington, the Commissioner, recorded of them; the standard alluded to, it may be observed, appears to be an equitable one, and may not perhaps be raised without apprehension of causing detriment to the prompt discharge of the fiscal and criminal functions of the assistants, and of the miscellaneous duties, connected with the Post Office, Treasury and Police, which devolve on some of them; on the other hand, there does not appear to be any necessity for its reduction, the possibility of which on its first proposal seemed to be anticipated. (V. Paragraph 109 Court's Civil Report for 1840).

* Senior Assistant,.. 8 each per mensem.
Sudder Ameen, .. 16 do. do.
Moonsiff,..... 20 do. do.

156. The performances of the Native Judicial Officers, judged by the same numerical standard, are less satisfactory, and have formed the subject of correspondence, and remonstrance, on the part of the Court during the past year: on reference to the foregoing Statement, it will be found, that both the Sudder Ameen and the Moonsiff of Gurhwal have failed to attain to the prescribed minimum of decisions; a failure not accounted for by the lightness of their files, or by their occupation in miscellaneous duties of the judicial department, or by the compulsory devotion of their time, as in the case of the assistants, to avocations of other than a judicial character; this deficiency must be explained, the Commissioner observes, either, "by assuming that the monthly rate of decisions laid down for them, is too high, with reference to local peculiarities, and habits of suitors," or "by the fact of suits necessarily taking longer to decide before the Native than before the

European functionaries, because the former have not the power of confronting parties." To the first point the Court are unable to attach any importance, or weight, seeing that the rate fixed for Sudder Ameens (15 per mensem) has been exceeded by all the European Assistants, whose engagement in multifarious duties of other departments, and in the execution of decrees, almost entirely confined to their Courts, must be admitted to counterbalance any advantages they may derive from the privilege of confronting parties, which during the period under review the Native Judges did not possess. The second obstacle has ceased to have existence, the rules having been so far modified, with the sanction* of Government, as to extend to the Native Judges the privilege of confronting litigant parties in civil actions, and thus bringing petty cases to a summary decision; in the expediency of adopting this suggestion, which originated with Mr. Lushington, the Court were induced to concur, "as calculated to abridge labor, and to accelerate the adjudication of civil actions in the Hill Provinces" and in rejecting the same proposition last year, as noticed in the 115th paragraph of the Court's Report for 1843, the Court were influenced rather by a consideration of the practical efficiency, and successful operation of the Rules in their original form, than by any reluctance, on the score of positive inexpediency, to acquiesce in the recommended alteration.

* My letter, No. 709, dated 24th April, 1844. Your reply, No. 1799, dated 11th May 1844.

157. If the result of appeals tried be any criterion of judicial ability, this Hill Province must be considered highly favored in being administered by Officers, possessing singular accuracy of judgment; from the courts of the Senior and Junior† Assistants 207 appeals regular and special, were adjudicated, and the decisions of the lower Courts were confirmed in 161, or in the proportion of 78 per cent, while of 190‡ decisions, passed by the Sudder Ameens, which were revised in appeal, 152 or 80 per cent were suffered to stand unaltered; the termination of 125 appeals from the orders of the Moonsiffs is not less favorable, the reversals bearing only a proportion of 16 per cent to the number heard by the superior Courts according to the distribution marginally denoted; this represents a correctness of judgment, which is rarely, if ever, found to characterize the judicial functionaries of the Plains, and which may perhaps be in a measure accounted for by the simplicity of the Rules that govern the administration of this Province, and by the absence of many legal forms, the strictness of which, obligatory in the former, is "both inexpedient and unknown," in the latter, tract of country. The Commissioner, Mr. G. T. Lushington, with whose active superintendence and management the Court continue to be satisfied, has recorded an opinion generally favorable to the quality of the decisions, passed by the Senior and the Junior Assistants, and has "endeavored to rectify" "signs of hasty and inconclusive judgment," on the part of Captain Huddleston, the Senior Assistant of Gurhwal. A question, raised by this gentleman regarding the official relation, in which he stands towards the Commissioner, is discussed by Mr. Lushing-

† Of 26 appeals from this Officer's orders, 7 regular and 3 special appeals were tried by the Commissioner, and 16 of the former description by Mr. J. H. Batten, the Senior Assistant of Kumaon.

‡

Designation of Officers by whom the appeals were decided.	*Sudder Ameen of Kumaon.*		*Sudder Ameen of Gurhwal.*		*Moonsiff of Kumaon.*		*Moonsiff of Gurhwal.*	
	Confirmed.	Reversed.	Confirmed.	Reversed.	Confirmed.	Reversed.	Confirmed.	Reversed.
Commissioner, ...	2	0	0	0	1	0	0	0
Senior Assistant Kumaon,	55	25	0	0	30	9	0	0
Senior Assistant Gurhwal,	0	0	62	6	0	0	27	4
Junior Assistant Kumaon	33	7	0	0	45	5	0	0
Sudder Ameen Kumaon,	0	0	0	0	1	1	0	0
Sudder Ameen Gurhwal,	0	0	0	0	0	0	2	0
	90	32	62	6	76	16	29	4
			190				125	

ton in the 14th and 15th paragraphs of his Report, and has been definitively settled by the instructions conveyed in the 2nd paragraph of a letter* addressed to him by order of the Court, copy of which paragraph is appended (M) for the information of Government.

* No. 708, dated 24th April, 1844.

158. By the Commissioner, the Senior and Junior Assistants, 616 applications for execution of decree have been struck off after full enforcement, and 164 others have been partially settled, which affords satisfactory evidence of the attention bestowed upon this important department.

159. The degree, in which the aid of Punchayets, Assessors, and Jurors has been employed, has varied but little during the past year, and the large proportion of cases, which were decided in accordance with their verdict, or opinion, demonstrates the benefit of employing this auxiliary agency in cases, which involve the decision of disputed accounts, contested possession of land, and matters relating to caste and religion, mentioned in a former report as those more properly referrible to such agency; 53† cases were tried by these means, and the ultimate judgment was passed in all but one, agreeably to the award, verdict or opinion recorded by the Punchayet, Jurors and Assessors respectively: of these 45 went in favor of the Plaintiffs or Appellants, and the remainder in favor of Defendants or Respondents.

Punchayet.	*Assessors.*	*Jury.*
43	9	1

SIMLAH.

160. Early in the past year, the constitution of the Subathoo Agency underwent revision, and in the correspondence noted in the margin ‡ it was determined, that the Assistant, appointed under the orders quoted, should have jurisdiction as Sudder Ameen in Civil Actions not exceeding Rs. 1000 in value, that from his decisions in such cases, a regular appeal should lie to the Sub-Commissioner, and a special appeal to the Governor General's Agent, and that the Court of the Sub-Commissioner should be a Court of first instance for the reception and trial of suits above Rs. 1000 in amount, a regular appeal lying from his decision to the Agent, and a Special Appeal to the Sudder Dewanny Adawlut: this system, which, the Court observe, adds the powers of a Court of first instance to the appellate§ authority, heretofore exercised by the Sub-Commissioner, has been in operation since the commencement of the period under Report, and seems to have effectively answered the objects, contemplated by its introduction. On the 1st January 1842, 740 suits awaited decision, so that, although only 272 were brought on the files, 1012 were pending before the Courts during that year, all of which with a small exception (32) were disposed of by its close; this reduction of arrear from 740 to 32 cases will account for the smaller number of decisions during the period under notice, notwithstanding the fact of suits instituted having been more numerous by 271 than in the antecedent annual period; this increase of work, which is ascribed by Mr. Erskine "to the very great extension of the station, and the proportionate influx of visitors and traders," has not clogged the transaction of business, or thrown a doubt on the adequacy of the agency provided, but it is impossible to foresee, how this state of things may be effected by the further enlargement of the resident community, and accessions to the number of occasional visitors, which it may not improbably receive: the Court, however, are glad to observe, that the necessity of appointing a Moonsiff to aid in the practical administration of this tract is not at present anticipated.

Sub-Commisioner.	
Headings, Nos. 1 to 14	3
" " 15 to 17	79
	82

‡ Mr. Secy. Hamilton's letter, No. 2106, dated 10th November, 1842. My Predecessor's reply, No. 2433, dated 20th December, 1842. Mr. Secy. Hamilton's letter, No. 43, dated 16th January, 1843.

§ V. Paragraph 115 of Civil Report for 1842.

In the Sub-Commissioner's Court, 22 appeals were decided on trial, and one appeal dismissed on default, only 2 Regular cases remaining on the file at the end of the year for future disposal: the dependence of two applications for execution of decree for a prolonged period is attributed by Mr. Erskine to the Defendants having no settled place of abode, and the difficulty, consequently experienced by the Decree-holders, in pointing out property for attachment in satisfaction of their claims.

161. By the Assistant, Mr. Brian Hodgson, 523 original suits were disposed of, 198* on trial, while 150 were dismissed on default, and 175 were adjusted on Razeenamah or withdrawn: the character of the Hill people, noticed in the Remarks on the Administration in Kumaon, as inducing the institution of numerous suits, and their subsequent relinquishment, operates in a similar manner under the jurisdiction of the Simlah Courts.

* Exparte, ...	68
Confession of Judgment, ..	31
	99

162. Miscellaneous business is restricted almost entirely to the Court of the Sudder Ameen, who carried out to full execution 139 Decrees, and passed orders on the merits of 1828 other cases, appertaining to this department: when 1843 ended, there was no arrear whatever awaiting disposal.

163. From the 198 decisions passed after trial by Mr. Brian Hodgson, 21 appeals were preferred during the year, and 2 remained over for adjudication from 1842: of these 22 were heard and determined by the Sub-Commissioner, who confirmed the original order in 16, and reversed or modified it, in 6 instances, or in the small proportion of 27 per cent.

164. In recent correspondence, Mr. Erskine proposed for the sanction of the Court a revised scale of fees for the remuneration of Vakeels practising in the Simlah Civil Courts, and was informed in reply, that by Section 22 of the Rules promulgated under date 24th September, 1836, no power of interference with his acts in matters of the nature under notice is reserved to the Sudder Dewanny Adawlut, and that he was fully competent, without the previous acquisition of the Court's permission, to introduce practically the system advocated by him.

SUDDER DEWANNY ADAWLUT.

165. In the following note is represented the number of cases, pending before, and disposed of by, the Sudder Dewanny Adawlut in 1843, and the subjoined Tabular Statement will serve still further to illustrate the same.

Pending on the 1st January, 1843.

Admitted during the year	Regular and Special Appeals, ...	113		
	Regular Appeals, ...	113		Total under trial.
	Special Appeals, ...	67	 180	 293
Disposed of	Regular Appeals, ...	92		
	Special Appeals, ...	81	.....	173
			Remaining on the 1st January, 1844.	120

	Regular and Special Appeals.														Miscellaneous.			
	Pending on the 1st Jany.			Admitted during the year.			Total before the Court.			Disposed of.			Pending on the 31st December.			disposed of.			
	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total	Regular.	Special.	Total.	Cases	Petitions	Petitions of Special Appeals	Total.
1842.	95	44	139	81	75	156	176	119	295	104	78	182	72	41	113	771	1761	168	2700
1843.	72	41	113	113	67	180	185	108	293	92	81	173	93	27	120	650	1674	307	2631
Increase.	0	0	0	32	0	24	9	0	0	0	3	0	21	0	7	0	0	139	0
Decrease.	23	3	26	0	8	0	0	11	2	12	0	9	0	14	0	121	87	0	69

Exclusive of the above, the Court disposed of—

Miscellaneous cases,.. ..	650
Do. Petitions,	1674
Petitions for admission of Special Appeals,.. ..	307
	2631

and, in the Criminal Department—

Trials regularly referred,..	259
Do. Do. called for..	84
Cases referred under Act XXXI. of 1841	*20
Miscellaneous cases, ..	113
Do. Petitions, .. 357	470
	833

* Under Section, 5 .. 18
Under Section, 6 .. 2

	Distribution of the cases disposed of with reference to the mode of disposal.							
	Confirmed on perusal of petition of appeal and decree of the Lower Court.	Confirmed after summoning the Respondent.	Reversed.	Modified.	Ordered back for retrial or further investigation.	Dismissed on Default.	Adjusted.	Total.
1842	22	46	32	20	45	8	9	182.
1843	19	36	32	24	51	6	5	173
	—3	—10	—	+4	+6	—2	—4	—9

Dates of institution of appeals pending on the 1st January, 1843, and the 1st January, 1844.

	1840	1841	1842	1843	Total.
1842	0	23	90	0	113
1843	0	1	7	112	120

Pending on the 1st June 1844.

1841	1842	1843	1844	Total.
0	3	60	47	110

166. Before proceeding to the preparation of the usual summary of operations in all the Courts, inclusive of the Sudder Dewanny Adawlut, during the past year, it may be desirable to advert to some unexpected interruptions to the continued transaction of business, which occurred, as explanatory of results exhibited in the present returns, which contrast in some measure unfavorably with those of the antecedent annual period. Mr. Thompson, returning from Circuit on the 28th February, remained with the Court during the remaining ten months of the year. Mr. F. Currie, transferred to another department of the public service, quitted the Court on the 18th October, having taken a share in its labors from the 1st January until the adjournment, occasioned by the Dusserah Vacation, commencing on the 20th September, and was succeeded by Mr. James Davidson, who took his seat on the 22nd December. Mr. Tayler was present with the Court during the entire period under report. Mr. Currie's absence was the less felt, because his removal took place during the recess of the Court, which was greatly prolonged by its removal to Agra, and the postponement of its re-opening until the 25th November, authorized by Government in Mr. Secretary Hamilton's letter No. 3296 dated 15th July, 1843. Owing to unexpected difficulties in the provision of necessary carriage and camp equipage, and to halts, sittings were not resumed at Agra, until the 4th December, and then obstacles were opposed to the transaction of business by the recent arrival of the Court's records, their necessarily disordered condition, the delay consequently experienced in the production of requisite papers, and the unfinished state of the newly erected Court House ; it may, therefore, with little qualification be affirmed, that the Court was closed

on the Civil side from the 20th September to the end of 1843, or for a period of three months and ten days, and this fact, combined with the absence of one Judge for two months, will be received as adequate explanation of any falling off in the quantity of work disposed of, that may be apparent.

167. I am further desired to premise, that in pursuance of the desire, expressed by the Hon'ble the Court of Directors in their despatch* No. 9, dated 3rd May, 1843, the Statement No. 1, designed to exhibit the number of causes, admitted, disposed of and depending in all the Civil Courts, has been divested of some of the detail, which was declared by the Hon'ble Court unnecessary and objectionable, and has been recast. In the old form of Statements was shewn the number of regular cases, both original suits and appeals, decided by the Zillah or City Judge, and by each class of the Judicial functionaries in each District under the control of this Court; that now submitted exhibits in a more compendious form the aggregate number of Civil causes, disposed of by all the Judicial authorities collectively of each District, and in a second and separate part, the same numbers are resolved into four classes, corresponding with the four grades of Judicial functionaries, the result of whose labors, as collective bodies, is thus separately represented. A further contraction of this statement appeared to the Court incompatible with the obligation, resting on them, of laying before the Government, and the Hon'ble Court, full information regarding the administration of Civil Justice, and the degree of success, with which the system in force has been attended; in like manner, and for the same reasons, the majority of the remaining statements of the series, are submitted with some modifications and concisions, in the form, which has been hitherto followed, it seeming to the Court, after a careful revision thereof, and a consideration of the object contemplated in their compilation, that few could be dispensed with, without withholding from the view of Government, facts, which are essential to a due comprehension of Judicial operations, a fair appreciation of the labor, and ability brought to bear on this branch of the administration, and a knowledge of the practical effect of certain Laws, the working of which the Court have been either specially enjoined or recommended to watch over, and direct, such as Regulation VI. of 1832, to which Statement No. 7 relates, and the Law of Remand, which was found on its first introduction to be much misunderstood, and largely abused; statement No. 10, however, has been withdrawn from the series, the particulars of Appeals tried by the Sudder Dewanny Adawlut, from the Judges and Principal Sudder Ameens in the North Western Provinces, being mentioned in the body of this Report under each Zillah, and the result of those, preferred from the decisions of incumbents, being ascertainable from the Statement No. 11. On similar grounds, Statement No. 2, has been condensed, so as to shew in aggregate the number of suits, of longer standing than a twelvemonth, depending at the end of 1843 before the Sudder Dewanny Adawlut, and the Zillah Courts collectively, instead of the detail regarding each individual Judgeship, which the statement, in its former shape, represented; in the remarks on the operations of each Judgeship this point is specially adverted to, and particulars concerning the state of the files in this respect can be gleaned from those remarks.

* Received with Mr. Secy. Hamilton's letter, No. 4032, dated 2nd September, 1843.

168. The result and description of original suits, the average duration of regular cases, and the value of property under litigation, to which Statements No. 3, 4, and 9 have reference, are matters particularly noticed in the Dispatches of the Hon'ble the Court of Directors, and it has not on this account been thought proper to curtail them, while the miscellaneous work of the several Courts, which Statements Nos. 14, 15, 16 and 17 are designed to exhibit, has been declared† by Government to be "a most important branch of judicial labor," and the exhibition of business, disposed of in this Department, seems only consonant with the "pains" which the Court are expected to bestow on carefully examining "each branch" of it "and introducing

† See para. 31 of the order of Government on Court's Civil Reports, for 1838 and 1839.

order and dispatch into its execution:" acting, however, agreeably to the spirit of the instructions above adverted to, the Court have thought it fitting to dispense with Statements Nos. 14 and 15, which represented respectively the performances of the Judges, and of the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, in this department, and to aggregate in one Statement No. 16 the whole amount of business transacted by all the Judicial functionaries in each District, adding thereto a second part, in which the proportion, disposed of by each class of those functionaries, is clearly exhibited. No. 17 is conformable to that, which was for the first time submitted with the Report for 1841.

169. As desired in the 2nd paragraph of the Dispatch above cited, a Statement (No. 12) has been added to the ordinary series, with the intention of giving a view of the "appellate jurisdiction of the several tribunals," and of shewing the number of Appealable Decrees passed by each class, which were appealed, and in Appeal affirmed, reversed or modified. Decrees, passed exparte, and on confession of judgment, have been uniformly regarded and calculated as "*decisions on trial*," and are of course in that character appealable, but it is obvious, that Appeals from such decisions, particularly the latter, will be comparatively infrequent, and it has been, therefore, thought necessary to subdivide the aggregate number of decisions into three classes, viz. decisions on full trial, decisions exparte, and decisions on confession of judgment, and to exhibit the proportion borne by the cases appealed accordingly. This subdivision is the more requisite, because the number of suits, determined exparte, and on confession of judgment, vary largely in different Districts, and the statement, without such specification, would be calculated to mislead, and to induce erroneous opinions of the judicial qualifications, possessed by the several classes of functionaries, employed in different Districts. Such remarks, as the details exhibited in this statement may suggest, will be recorded in a succeeding paragraph.

170. As the series of statements has been altered, and the chain of numbers broken, it may be desirable, in order to facilitate comparison, to append in this place, a list of those now submitted, with notes, indicating concisely the modifications introduced.

No. 1. Shewing number of Civil causes instituted, disposed of and pending for the year 1843, (condensed, as explained in paragraph 167.)

No. 2. Exhibiting the number of cases pending beyond a year and the date of their institution in the Sudder Dewanny Adawlut, the North Western Provinces collectively and the two Hill Tracts, (condensed, as explained in paragraph 167.)

No. 3. Statement shewing the period, which would elapse before the decisions of Regular suits depending on the 1st January, 1844, would be disposed of.

No. 4. Statement shewing the total value or amount of Regular suits, whether original or in appeal, depending in the several Courts in the North Western Provinces, on the 1st January, 1844.

No. 5. Abstract Statement required by the Government Resolution, under date the 19th May, 1825.

No. 6. General Abstract Report of Appeals depending before the Court of Sudder Dewanny Adawlut, North Western Provinces, on the 1st January, 1844, and of the number admitted and disposed of in the year 1843.

No. 7. Statement of Civil suits tried with the assistance of Natives, under Regulation VI. of 1832, during the year 1843.

No. 8. Statement of Unexecuted Decrees pending in the several Zillahs of the North Western Provinces, on the 1st January, 1844.

No. 9. Statement of the different descriptions of Original suits instituted before the several Judges and Moonsiffs in the North Western Provinces, during the year 1843.

No. 11. Abstract Statement of Appeals decided by the Sudder Dewanny Adawlut, North Western Provinces, during the year 1843.

No. 12. Statement of the Appellate jurisdiction of the several Tribunals in the North Western Provinces, shewing what number of Decrees in each class of them was appealable, appealed, affirmed, altered or reversed.

No. 16. General Abstract of Summary and Miscellaneous suits disposed of during the year 1843, and depending on the 1st January, 1843, and 1844 respectively.

No. 17. Result of Miscellaneous and Summary Appeals from the Decisions of the Zillah Judges preferred to the Sudder Dewanny Adawlut, during the year 1843.

171. The returns shew, that with an aggregate of cases, pending before the Sudder Dewanny Adawlut at the beginning of 1843, less by 26 than in the corresponding period of 1842, and an income of Appeals larger by 24, there were seven (7) suits more awaiting decision at the end of the year under Report, than at the close of 1842. The number, depending at the end of December, comprehended 8 Appeals of earlier date than 1843, one having been instituted in 1841, and 7 in 1842,—an amount, which on the 1st June last had been reduced to 3 appertaining to 1842, while 112 Appeals of 1843 had been reduced to 60: the Appeals disposed of were fewer by 9 than in the preceding year, notwithstanding an increase in the number instituted to the extent of 24, and the miscellaneous business brought to a termination was also less, but these circumstances, the Court conceive, have been sufficiently accounted for by the remarks, recorded in a preceding paragraph:—the mode, in which the 173 Appeals adjudicated by the Court terminated, is shewn in the following memorandum:—

Confirmed on perusal of the Petition of Appeals and Decree of the Lower Court, ...	19
Confirmed after summoning the Respondent, ...	36
Ordered back for retrial or further investigation, ...	51
Reversed or modified,...	56
Dismissed on default, ...	6
Adjusted...	5
	173

172. The amount of property, involved in these 173 Appeals, was Rupees 17,86,505, and that at stake in the 120 Suits, pending at the close of last year, was Rs. 15,35,742.

The amount of property under litigation before the whole of the Local Courts, when the year expired, was Rupees 75,75,750, which, added to the value of Appeals, pending before the Sudder Dewanny Adawlut as stated above, yields an aggregate of rupees 91,11,492, viz.

In Original Suits,..	Rs.	66,72,891
In Appeals,..	Rs.	24,38,601

173. If cases decided by this Court, and by those of Kumaon and Subathoo be excluded, the general abstract of operations gives the results, which follow: the aggregate of cases, instituted in 1843 before all the Courts, was 64,622, viz. Original Suits 57,675, and Appeals 6,947, being less than in 1842 by 780: the whole number of Regular Suits under trial was 84,705, comprising Original Suits 74,318 and 10,387 Appeals, or less by 2,636 than in the preceding year: the entire number disposed of amounted to 67,396, viz. Original Suits 59,808 and Appeals 7,588, which shews a decrease of 583, as compared with 1842. Of the 67,396 Suits brought to a termination, 46,058 or about 68·34 per cent. were decided after trial of the merits, that is 39,212 Original Suits, and 6,846 Appeals. The arrear at the end of the expired year comprehended 17,309 Suits, of which 14,510 were Original, and 2,799 Appeals—giving a net decrease on the general file of 2,053 cases, while among the pending Suits, 17,240, or a proportion of 98·91 per cent. were brought on the file within the twelve months under notice. From this general review a favorable impression of the industry evinced by the several Judicial authorities, may be deduced, for the falling off in the number of disposals is explained by a more than corresponding decrease in the number of Suits instituted, and a large reduction in the amount of arrear depending, as compared with 1842, has been effected.

174. The character of the decisions, passed by the Local Courts, may be judged from the marginal* table, which shews that, out of 39,212 Original Suits determined on trial, 32,308, or a proportion of about 82·3 per cent. were in favor of the Plaintiff: the decisions of each judicial grade are exhibited in the margin. The number of Appeals instituted during the year, 6,947, bears a proportion of 10·3 per cent. to the number of Original Suits disposed of within the same period, while of the Appeals adjudicated on their merits (6,847) 4,087, or about 59·69 per cent. terminated in the affirmation of the decision, pronounced by the Court of first instance, giving a more favorable result than in 1842, when the proportion was 58·10 per cent.

*

	For Plaintiff.		*For Defendant.*		*Total.*
Judge,.. ..	9	.. ..	7	=	16
P. S. Ameens,	1546	.. ..	585	=	2131
S. Ameens,..	2253	.. ..	709	=	2962
Moonsiffs, ..	28500	.. ..	5603	=	34103
	32,308	.. ..	6,904	=	39212

Statement No. II.—175. As compared with the year preceding, a very large decrease is apparent in the number of Suits, depending before the Local Courts and the Sudder Dewanny Adawlut, of longer standing than the twelve months reported on, the number of such cases having been 799 at the end of 1841, 683 in 1842, and 189 in 1843: the diminution in this Court amounts to 15, as shewn marginally,† while that in the Zillah Courts amounts to 479, a result, which reflects credit on the activity of the subordinate Judicial Officers, before whom a very large majority of the regular business is brought, and on the vigilant and careful supervision, to which their proceedings have been subjected by the Zillah and City Judges. The numerical adequacy of the Judicial Agency being presumed, there can be little reason ordinarily for the dependence of regular cases beyond the period of a twelvemonth, and it has been the object of the Court during the past year to urge this doctrine strongly upon the attention of the Civil Judges;

Relating to Suits older than 12 months.

† Older than 1842.
At the end of that year.. 23
Older than 1843.
At the end of that year... 8

the result seems to establish the soundness of their opinion. The generality of claims, preferred in the Courts, are of the simplest nature, the system of procedure is likewise devoid of unnecessary formality and prolixity, and the pleadings, if kept within the requirements of Law, should not be voluminous, so that, except in cases remanded for retrial or further investigation, or other obstacles insurmountable, suits in the Civil Courts of this country should be brought to a termination within the period of one year. All things considered, the state of things now represented is very favorable, and the Court will endeavor to take care that retrogression do not ensue.

Statement No. V.—176. This Statement, exhibiting the number of suits, brought to set aside decisions in summary suits, is submitted in accordance with the Resolution of Government dated 19th May 1825, and calls for no comment, except that it might perhaps be discontinued without detriment. The particulars, exhibited in No. VI. have been adverted to in a foregoing Paragraph (171).

Statement No. VII.—177. During the past year only 164 suits were tried with the aid of the agency, to which recourse is permitted by Regulation VI. of 1832, shewing a falling off, as compared with the last three* or four years, of which it is impossible to give any satisfactory explanation. In eight Districts, as noted in the margin,† the provisions of the Law were practically inoperative, and in 6‡ others its use was restricted to two or three cases, so that, as observed in the Court's last Report, the results cannot be regarded as demonstrative of any approach towards the attainment of the objects contemplated by its enactment. The difficulties formerly represented, as opposed to its general introduction, are repeated, and consist in the reluctance of respectable persons to give unremunerated aid, and to run the risk of incurring odium, in the inapplicability of the Law to Appeals, and in the absence of a desire, as asserted by some, on the part of litigants for the association of their countrymen with the presiding Judge; such facts or opinions, advanced by the Zillah Judges, as presented any novel feature, have been noticed, in the remarks on the operations of the Zillah Courts, the arguments urged by Mr. Pidcock of Goruckpore, Mr. Cartwright of Furruckabad and Mr. R. Neave Judge of Azimgurh, being the most pertinent and worthy of consideration. It is matter for regret, that local and national peculiarities are opposed to the introduction of the system, which the Regulation under notice permits, for the agency, when called into action, is found to be an honest auxiliary, 155§ out of the 164 suits tried by the means described, having been determined in accordance with the award of the Punchayet, the opinions of the Assessors, or the verdict of the Jury, convoked. In the foregoing details the operations under this head in the Hill Tracts of Kumaon and Simlah are not included, having been separately noticed, and the system being more congenial to the primitive habits and feelings of the inhabitants of those tracts, than to the predilections of the more advanced population of the plains, and consequently more easily susceptible of extension; success in those tracts, therefore, does not necessarily imply a greater readiness, on the part of the Judicial Officers there employed, to act up to the intentions of the Legislature, than is evinced by the Zillah and City Judges.

* There were tried by this agency in
1840, .. 237 suits.
1841, .. 198
1842, .. 289
1843, .. 164

† Delhie, Barelly, Agrah, Mynpooree, Futtehpore, Bundelkund, Goruckpore and Mirzapore.

‡ Meerut, Allygurh, Moradabad, Azimgurh, Benares, Ghazeepore.

§ By Jury in accordance with verdict, ... 35
By Assessors, do. opinion 26
By Jury, do. verdict 94
155

Statement No. VIII.—178. The pending cases of this description in the several Zillahs (Kumaon and Simlah excluded) were 14,379 in number at the end of 1842, and 12,059 in 1843, giving a reduction of 2,320 cases in favor of the period under notice; this result, it is hoped, will be received as evidence of the

Unexecuted Decrees.

continued attention and activity, bestowed on this important department of judicial labor by the Local Courts, and of the success of the supervising system, which has been established; the increased punctuality and promptitude, with which the injunctions of the Civil Courts relating to execution of Decree, have been fulfilled by the Revenue authorities, have attracted the attention, and elicited the commendation, of some of the Zillah Judges, and may perhaps be traced to the intercommunication with the Sudder Board of Revenue, in cases of delay on the part of Collectors which has been carefully maintained during the past year. In some districts a marked and very decided improvement has taken place: the files, which were formerly encumbered with numerous cases, have been reduced within just limits, delays which were of frequent occurrence, have disappeared, and the department is now in an efficient condition; in Goruckpore particularly, as noticed in the resolutions under that head, the execution of decrees through the instrumentality of the revenue authorities has been much accelerated, in Jounpore the Collector has received Mr. Harington's thanks for his ready co-operation, and in the Districts of Seharunpore, Moozuffernuggur, Allygurh, Furruckabad, Allahabad and the Delhie Territory, cases rarely remain incomplete beyond the period of three months. The Circular Orders noted in the margin,* abolishing the circuitous system of communication formerly obligatory on Moonsiffs, and authorizing them to transmit their requisitions, without the intervention of the Judge, to the revenue authorities, direct, have not been, it may be presumed, without their effect in expediting proceedings in the execution of Civil Decrees, while at the same time the enforcement of a closer adherence to the Rule, which requires the expunction of an application, when a Decree-holder may fail to carry on execution for a period of six weeks, as enjoined by a Circular Order, No. 1978, dated 14th October, 1843, may have served in some measure to correct the national vice of procrastination, and to prevent the protracted dependence of these cases; the Rule in question had been understood by some to prohibit such expunction under any circumstances *within* the period of six weeks, and it was therefore thought desirable to explain clearly its object, that, while default, on the part of the Decree-holder, for the space of time mentioned, rendered it obligatory on the Judicial functionaries to strike off the case from the file, it was by no means intended to prevent the exercise of a sound discretion, in punishing the want of attention to the requisition of the Court *within a given and notified period*, by dismissing the application on default, even though the term of six weeks had not expired, with a liberty of course to the Decree-holder to revive it, as to him might seem fitting. A direction prescribed by Circular Order Sudder Dewanny Adawlut No. 1, dated 6th June, 1828, to the effect, that proceeds of sales made in execution of Decree should be retained in deposit, until possession should have been given to the purchaser, was found to impede the prompt enforcement of decretal orders, and was superseded by a Circular Order No. 1602, dated 28th August and published in the Gazette of the 26th September, 1843, as being beyond the requirements of Law, and practically inconvenient. Other instructions, promulgated during the currency of the past, and since the commencement of the present, year, were intended to secure a more concise and uniform system of preparing the quarterly statements, submitted to the Court under orders dated 19th June, 1840, than has heretofore been followed, and call for no comment on the present occasion.

* No. 789 dated 28th April, published in Government Gazette of the 30th May, 1843.
And No. 1601 dated 28th August, and published in Gazette of the 19th September, 1843.

Statement No. XI.—179. As mentioned in the 167th paragraph of this Report, the Statement No. 10, has been dispensed with, it being deemed sufficient to place before Government in No. 11, particulars of appeals, tried and decided by the Court on their merits, from the decrees of Officers in actual employment under the Court at the present time. Eleven dismissed on default or adjusted being excluded from the calculation, it appears, that of 143 appeals adjudicated, the original order met with confirmation in

* On perusal of Petition, ... 17
After summoning Respondent, .. 35
52

52,* with modification in 21, and reversal in 26, while the remaining 44 were sent back by remand, the remands, modifications and reversals having amounted to nearly 64 per cent, on the number decided on trial:—the result is less favorable than that represented in the Court's last report, and at the same time the proportion of suits remanded for retrial or further investigation, has risen above that, to which it has been restricted for the last two years, as shewn by the subjoined note:

In 1841, 30 were remanded out of 106 tried, or 28⅓ per cent.
In 1842, 44 were remanded out of 155 tried, or 28·5-13ths per cent.
In 1843, 44 were remanded out of 143 tried, or 30¾ per cent.

180. In the margin is entered a comparative statement, similar to that accompanying former reports, shewing the number of suits remanded by the Zillah Judges, and (with their concurrence) by Principal Sudder Ameens trying appeals, to the inferior Courts for re-investigation and trial de novo, and it is satisfactory to observe, that the decreasing use of this privilege, which has marked the operations of the Local Courts for the past few years, has undergone further diminution during the period under notice, 829 having thus sent back in 1841, 700 in 1842, and 490 in 1843. It may be reasonably inferred from this comparison, that the irregularities and other defects, requiring such a course, have become less frequent in the lower tribunals, that the intentions of the Law have become to be more correctly estimated and understood, and that proper principles in its application have been introduced; in the Districts of Delhie, Moradabad, Furruckabad, Azimgurh, Jounpore and Benares, the variation, it will be observed, has been very great, and no other than favorable conclusions can be fairly deduced; in the absence of reasons or presumption to the contrary, it must be supposed, that the proceedings of the Native Courts, attached to those Districts, are characterized by carefulness of investigation, and due deliberation, and by a close adherence to the laws laid down for their guidance. There can be no doubt, that the check, established by the Circular Order Sudder Dewanny Adawlut, dated 16th April, 1841, No. 149, Volume III. of the printed series, has been productive of much improvement in the conduct of suits, and there is every ground, judging by past experience, to hope, that this improvement may be progressive.

Zillahs.	1841.			1842.			1843.		
	By the Judge.	By the P. S. Ameen.	Total.	By the Judge.	By the P. S. Ameen.	Total.	By the Judge.	By the P. S. Ameen.	Total.
Delhie, ...	33	12	45	25	10	35	14	3	17
Saharunpore, ..	30	0	30	16	0	16	9	0	9
Meerut, ...	26	1	27	18	5	23	30	6	36
Allygurh, ...	35	1	36	30	2	32	33	10	43
Moradabad, ..	46	0	46	33	0	33	8	6	14
Barelly, ...	35	4	39	41	11	52	40	4	44
Agra, ...	8	0	8	1	1	2	2	0	2
Furruckabad, ..	26	0	26	39	0	39	16	0	16
Mynpooree, ..	43	0	43	12	3	15	15	7	22
Cawnpoor, ...	31	4	35	17	5	22	24	0	24
Futtehpore, ...	51	3	54	13	0	13	6	0	6
Bundelkund, ..	18	20	38	25	0	25	14	4	18
Allahabad, ...	47	12	59	31	1	32	37	0	37
Goruckpore, ..	24	18	42	6	7	13	17	4	21
Azimgurh.	39	5	44	72	9	81	33	0	33
Jounpore, ...	53	21	74	68	3	71	26	6	32
Mirzapore, ...	13	0	13	32	6	38	27	0	27
Benares, ...	105	0	105	111	0	111	35	4	39
Ghazeepore, ..	34	0	34	12	1	13	18	0	18
Kumaon, ...	18	11	29	17	13	30	27	0	27
Subathoo, ...	2	0	2	4	0	4	5	0	5
	717	112	829	623	77	700	436	54	490

In Kumaoon for "Judge" subaudi "Commissioner and Senior Assistant.
For Principal Sudder Ameen, subaudi Senior Assistant and Sudder Ameen.

Officers.	Description of Cases.	Orig. suits and first appeals. Number Appealable. Cases decided on full trial.	Cases decided ex-parte.	Cases decided on confession of judgment.	Total.	Proportions. Of col. 9 to col. 1.	Of col. 9 to col. 1 & 2.	Of column 9 to col. 1, 2 & 3.	First and second Appeals. Number pending.	Number appealed.	Number under trial.	Number confirmed. By Judge.	By P. S. A.	Total.	Number modified or reversed. By Judge.	By P. S. A.	Total.	Total Decided.
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
104 Moonsiffs, ..	Original suits, ..	15,208	8,921	10,949	35,078	35·6	22·44	15·43	2,336	5,415	7,751	1,829	1,435	3,264	920	1,158	2,078	5,342
18 S. Ameens,..	Ditto, ...	2,147	548	296	2,991	43·64	34·76	31·32	413	937	1,350	442	134	576	200	87	287	863
22 P. S. Ameens,	Ditto & Appeals,	4,181	519	241	4,941	23·31	20·72	19·71	774	974	1,748	555	0	555	475	0	475	1,030
	Total, ...	21,536	9,988	11,486	43,010	34·01	23·23	17·03	3,523	7,326	10,849	2,826	1,569	4,395	1,595	1,245	2,840	7,235

Statement No. XII.—181. This Statement is now submitted for the first time, in obedience to the desire expressed by the Honorable the Court of Directors in their dispatch, dated 3rd May, 1843, and the principle, on which it has been framed, is explained in a foregoing paragraph. It must be confessed that the status exhibited therein, is the best indication of that, which it is the object of the Court's supervision to ascertain, of the degree, namely, in which the administration of Civil Justice by each class of tribunals has been satisfactory to the community, and of the qualifications possessed generally by each grade of judicial functionaries in each District. The marginal extract from this Statement shews the proportion, borne by cases appealed, to the whole number of Appealable cases adjudicated by each class of tribunals, collectively, and seems to justify an inference somewhat unfavorable to their character, but the Court would prefer to abstain from the expression of any definitive opinion on this point, until they shall have had an opportunity of giving their careful attention to the facts represented in the Statement, and devising some efficacious means of ascertaining the origin of the diversity apparent in different Districts: if the *relative* diversity be maintained in ensuing years, there may be reason to conclude, that the administration in some Districts is faulty or unsatisfactory and there will be ground for enquiring, whether this may be ascribed to the incapability and inefficiency of the Judicial agency there employed, to the more litigious character of the population, or to other causes—and, if on the other hand, this relative proportion be found to vary, it may be conjectured, that causes of temporary operation may have given rise to the peculiarity, and that the character of the judicial functionaries of the subordinate grades in different and distant parts of the country may be equally estimated. It is hoped, that the Statement will be found to convey, in a sufficiently compendious form, all the materials of information desired by the Honorable Court of Directors, and that the resolution of the Court to await the developement of facts, which the maintenance of this return, and the prosecution of the enquiries above alluded to are expected to elicit, before founding any premature imputations on its contents, may be approved.

Relating to the Appellate jurisdiction of the Local Courts.

Statements Nos. XVI. & XVII.—182. These returns, the one, shewing the miscellaneous business of an important nature disposed of by the Judicial Officers of each district, and by each class of those Officers collectively, and the other, exhibiting the miscellaneous and summary Appeals brought to a termination in the Sudder Dewanny Adawlut, seem to require no elucidation, or remark: the business of this descrip-

tion, instituted in this Court, is small, while that brought before the local tribunals, notwithstanding its onerousness, has been met by the exertion of the requisite energy and industry, in such degree, that the number pending at the commencement of 1843, 15,754 cases, had been reduced by its close to 13,147—or by 2,607 cases; the activity, which has disposed of 56,434 applications for execution of Decree, and Petitions of objections, in addition to other work in the miscellaneous and regular departments, must be regarded as praiseworthy.

183. With advertence to the orders of Government, No. 1,507, dated 6th May, 1840, I am desired to announce, that the only new appointments, made in the past year, to the office of Principal Sudder Ameen, were those of Khadim Hossein Khan, Sudder Ameen of Cawnpore, to be Principal Sudder Ameen of the same district, (20th May, 1843, No. 2,538) in succession to Moolvee Hukeemoodden transferred to Benares, and Mahomed Jumeelooddeen, Sudder Ameen of Goorgaon, (21st October, 1843, No. 4,791) to be Principal Sudder Ameen of Benares, in place of Moolvee Hukeemooddeen, retired on a pension.

184. Agreeably to the instructions of the Hon'ble the Court of Directors, conveyed in their despatch dated the 14th December 1842, a Statement, made up to the present date, of the amount recovered, and that still due, in the matter of costs incurred by them in the prosecution of appeals to the Queen in Council, for the Sudder Dewanny Adawlut in the North Western Provinces, is herewith submitted in Appendix (N). The Return corresponds with A, which accompanied my letter to your address, No. 715, dated 22nd April last, and the necessity of any remark thereupon is obviated by the recent discussion of the question in that communication.

185. During the past year, four important Acts, connected with the administration of Civil Justice, have been passed by the Legislative, and seem to suggest the propriety of some remark. Acts II., III., VI. and XII. are those alluded to, the two former having exclusive relation to the proceedings of the Sudder Dewanny Adawlut, the third to the tribunals of the lower grades, and the last to all Judicial Courts generally. Though Act II. of 1843, by enacting that no Decree of a Lower Court shall be reversed, except with the concurrent opinion of two Judges of the Sudder Dewanny Adawlut, inculcates a wise precaution, and secures a full and fair discussion of the points at issue, it has been found in practice to engender delay in some measure, and to interfere somewhat with the prompt despatch of other business. Act III. for amending the rules of special appeals is believed by the Court to have been much needed, and may be the means ultimately of diffusing sound, or, to say the least, uniform notions of existing Law, and the usage of the Courts; until the passing of this Act, every Zillah Judge was empowered to hear special appeals, his dictum was final and judicially intangible, and thus the same Law perhaps was construed differently according to the varying opinions, ability and knowledge, of numerous functionaries, without the intercommunication and discussion, so essential to the elicitation of correct views, and with those varying opinions the practice also in the lower tribunals of different Districts necessarily varied. These evils have been effectually repressed by the Act under notice, and uniformity of legal principles has been secured, but to give successful effect to the provisions of this Act, it is requisite, that the judgments of the Court should be promulgated, as well as pronounced, in the shape of Printed Reports, and with the view of accomplishing this object, certain proposals were lately submitted for the consideration of Government, the final disposal of which is in abeyance, pending the issue of a correspondence with the Sudder Dewanny Adawlut in Calcutta.

186. By Act VI. of 1843, the jurisdiction of the Moonsiffs' Courts has been greatly extended, and as the Court think, wisely extended, but it must be remarked, that this enlargement of their legal competency involves also a large accession of labor, particularly

in the Miscellaneous Department (Section 5), and demonstrates the expediency, if not the necessity, of extending to their Courts the provisions of Clause 5, Section 5, Regulation VII. of 1832, and modifying Clause 4 of the same Regulation and Section: in the 49th paragraph of Mr. Secretary Hamilton's letter, No. 5352, dated 30th November 1843, the sentiments of the two Courts on the subject are invited, and they have been submitted to Government in my letter, No. 831, dated 4th May last, the Draft of a Proposed Act, having for its object the addition of a Nazir to the Ministerial Establishments of the Moonsiffs' Courts, having been laid before the Legislative Council, with the concurrence of the Sudder Dewanny Adawlut for the Lower Provinces, in the month of September 1843. As regards the authority conferred on the Moonsiffs of trying and determining suits, in which Europeans are concerned, suits relating to personal damages, &c., the Court will only observe, that it removes a pre-existing inconsistency in the Law; if this class of Judicial Officers were possessed of the integrity and ability, required to adjudge cases, affecting property possessed by Natives of this country, there could be little just reason for withholding from their jurisdiction causes of no greater importance, simply because of the interest had by Europeans therein; if disqualified by any cause for the adjudication of the latter, they must by parity of reasoning be held unfit to take cognizance of the former: this invidious distinction has been got rid of. Of the practical working of the changes, to which the constitution of these Courts has been subjected, no judgment can be formed, until the Act shall have been in operation for a longer period, than has hitherto elapsed from the date of its appearance.

187. Of Act XII. of 1843, the effects must be ultimately beneficial, as fostering habits of judicial consideration, and ensuring a thorough and intimate knowledge of the facts of a civil suit, as well as a clear perception by the Judge of the point at issue, before he can pronounce and record judgment; it is believed, that the practice of the most able and efficient Judges has always been to make copious notes of the matters coming before them, and to found thereupon the arguments embodied in the decretal order, but these notes were not open to public view, as are the judgments now recorded, they might have been full and explicit, or meagre and confused, according to the will of those penning them, and the practice might have been altogether unobserved, and could not have been authoritatively enforced.

188. The obligation, now imposed upon Judges of all denominations by this Act, of recording the decision and the reasons thereof in the English or the Vernacular language, in their own handwriting, puts an end to the arbitrary and diverse system above adverted to, and ensures, as far as any enactment can do, full deliberation and careful judgment. That it will in some measure interfere to prevent the same *quantity* of business being disposed of is certain, for, as Mr. Harington very justly observes, every Judge must feel an interest in the fate of Appeals from his decisions, and will endeavor to place the arguments in support of them, in the strongest and most perspicuous form, while every conscientious Judge will, at the same time, think it due to the litigant parties to record fully and clearly the grounds of judgment, to the successful party, as giving him the benefit of a potential voice in favor of his claims, and to the party cast, as placing the grounds of judgment in so plain and forcible a light, as to discourage him from incurring needless expenditure in the prosecution of a nearly hopeless Appeal to the superior Court: Mr. Harington's remarks are so sound and pertinent, that the Court deem it advisable to give publicity to them in this Report; they are, as follows: "But I would put the matter on higher ground, and observe, that it is no less due to the parties themselves, that this duty should not be slurred over, but that the Judge should record in his Decree the whole of the grounds, which have operated to produce his decision, without regard to the labor thereby entailed on him or to the consequent length of his decision: it is due to the successful party, with a view to render the confirmation of the decree passed in his favor, more probable, in Appeal: it is scarcely less due to the losing party, in order that having the opportunity of making himself acquainted with the arguments, which may have influenced the presiding Officer's decision against

him, he may be the better able to judge, whether it is more for his interest to appeal the case to higher authority, or to submit to the decision, and thereby avoid the further expense of an Appeal." Besides the arguments *pro* and *con*, some sketch of the circumstances of the case will be ordinarily necessary, and some circumspection will be required in its preparation, so that there can be but little doubt that the effects of the Law will be as above; it may be, however, expected to improve the *quality* of judicial decisions, to which the Court are quite satisfied, that *quantity* of work and rapidity of decision should be sacrificed.

189. The 130th paragraph of the Civil Report for 1842, alludes to a *Circular Order, then of recent issue, and announces the intention of the Court to ascertain its mode of working in those parts of the country, to which the principle of the order was declared to have application: as by paragraph 13 of the Circular, it was required that annual certification, by the Collector, of the accuracy of the Settlement record and other papers therein adverted to, should invariably precede the practical introduction of the Rules, it was thought advisable, as the first step in the enquiry, to require from all the Judges information as to the Districts comprised within their respective jurisdictions, the Settlement records of which had been certified by the revenue authorities to have been examined and found correct. The result, as laid before Government in my letter, No. 1089, dated 11th June last, shews, that in the jurisdictions of seven Judgeships only has the preliminary condition been fulfilled, and in those only will any endeavor have been made to give effect to the Rules, which the Circular Order in question prescribes. More recently the judges of the Districts above named have been called upon to report on the practical operation of the system, so far as it has fallen under their observation, and the result will be duly submitted for the information of Government, together with such remarks, as have been suggested to the Court by your letter, No. 2469, dated 29th June last; the Court are not yet in possession of complete returns to their requisition.

* Establishing rules for rendering the information collected and recorded by the Settlement Officers, regarding the nature of landed tenures available as a guide and aid to the Civil Courts, in the trial and adjudication of suits involving questions of right and possession in land.—No. 208, dated 24th June, 1842.

190. Among other Circular Orders, connected with the Administration of Civil Justice, which were issued during the past year, the Court would indicate one, dated 13th September, No. 1797,† having for its object the suppression of the obnoxious practice, which was found to prevail in some Districts, of taking cognizance of matters not set forth in the pleadings, and directing re-institution of suit after a particular manner, sometimes found to be opposed to legal enactment and procedure; this may have the effect of preventing needless expansion of the record, as another Circular Order of more recent issue, No. 2182, dated 16th December, will probably be the means of introducing a more regular and methodical system in the preparation of cases for adjudication, and thus obviating their unnecessary prolongation; the operation of both, however, has been yet too short to allow of any decided practical effect being observed.

† Published in Government Gazette of 10th October, 1843, No. 41, page 408.

191. Adverting to the remarks, contained in the 35th paragraph of Mr. Secretary Hamilton's letter, No. 5352, dated 30th November 1843, the Court have much satisfaction in announcing, that the Sudder Dewanny Adawlut for the Lower Provinces have concurred in the expediency of repealing Regulation XII. of 1833, as a Law, detrimental alike to the interests of litigant parties, and to the character of the Courts, and have submitted the correspondence on the subject for the consideration of Government, and for ultimate reference to the Legislative Council.

192. But little progress has as yet been made in devising one uniform set of Register Books for general adoption in the Zillah and Moofussil Courts; this undertaking, alluded to

in the 133d paragraph of the last Report, is replete with difficulties and perplexities, which are not easily overcome, and some time may yet elapse, before it is accomplished; there is the apprehension, on the one hand, in attempting to curtail redundancies, of running into the opposite extreme, and, on the other, of prescribing that, which may be practically inefficacious, and again stand in need of revision, but, with a view of reducing the chances of such a result, the Court propose, before issuing any injunction on the subject, to invite the opinions and objections of the zillah Judges, by circulating for their inspection copies of the several forms of Register Books, which it may be thought advisable to introduce.

I have the honor to be, Sir,

Your most obedient servant,

G. F. EDMONSTONE,

Register.

Agra, the 13th July, 1844.

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TO THE

CIVIL REPORT FOR 1843.

Para. 1. Submits Statements of Civil business, disposed of and pending in the Courts of the North Western Provinces for 1843, with Report.

[PARAGRAPHS 2 TO 9 INCLUSIVE. ZILLAH DELHIE.]

Para. 2. Alludes to the considerable increase of business before the Courts during 1843, and to the satisfactory state of the files at its close, one regular suit and one miscellaneous case pending.

Para. 3. Notices work performed by Judge [C. Lindsay] Civil and Criminal and as Special Commissioner under Regulation III. of 1828, and the result of 4 appeals to the Sudder Dewanny Adawlut.

Para. 4. High opinion, entertained by Judge of Principal Sudder Ameen, repeated in his present report, mentions work done and the efficient aid rendered by him to Session Judge and Magistrate. His performances have fallen short during 1843, but from no want of industry on his part; result of appeals heard by Judge and Sudder Dewanny Adawlut.

Paras. 5 and 6. Having referred to the efficiency of the revised subordinate Judicial Agency, detail the performances of the Sudder Ameens and Moonsiffs in the regular and miscellaneous departments as creditable to their industry, regard the result of appeals as not particularly favorable to the judgment of officers concerned, but nevertheless some improvement in this respect is apparent, as compared with Report for 1842; expectation expressed that the defective system in the judicial awards of Mr. Smith, Moonsiff of Delhie, alluded to in paragraph 16 of Judge's report, will be corrected.

Paras. 7 and 8. Submit in Appendix A copy of letter written to the Judge in reference to his unfavorable representation of the qualifications of Moonsiff of Sirsa, and allude to the inutility of the suggested location of a Sudder Ameen at Sirsa.

Para. 9. Ascribes the absence of decisions with aid of Assessors to the same causes as were adduced by Judge in Report for past year.

[PARAGRAPHS 10 TO 17 INCLUSIVE. ZILLAH SEHARUNPORE.]

Paras. 10 and 11. Allude to the diminution in the number of suits instituted during 1843, as compared with preceding year, and the corresponding paucity of decisions, and remark on the satisfactory state of files at its close, one regular suit and one miscellaneous case older than a year pending.

Para. 12. Shews unfavorable result of work performed in Judge's Court, ascribable to frequent changes of incumbency in the office of Judge and to other circumstances mentioned.

Paras. 13 and 14. Notice performances of the Principal Sudder Ameen of Seharunpore and the 5 Moonsiffs, and the result of appeals from their decisions, as favorable to those Officers.

Para. 15. Alludes to the Dehra Doon Civil Administration and states that the system, introduced at the beginning of last year, has not been sufficiently long in operation to admit of an opinion being formed, as to the adequacy of the agency employed; notices work done, and result of appeals.

Para. 16. Refers to various interesting subjects discussed by Mr. Lushington, particularly that regarding the preponderance of suits for recovery of debts on Bond or otherwise, and the principle of adjudicating them, and appends [B] Extracts of letter instituting enquiry as to its origin, a faulty practice of Principal Sudder Ameen and other points alluded to by Mr. Lushington, noticed; copy of certain instructions issued by the Court submitted in Appendix C.

Para. 17. States that 14 cases were tried by Mr. Bacon with assistance of a Punchayet, and none by Mr. Lushington, reason of failure assigned.

[PARAGRAPHS 18 TO 26 INCLUSIVE. ZILLAH MEERUT.]

Paras. 18 and 19. Commend Mr. Begbie, who resumed office of Judge in February, for the quantity of business disposed of during 1843 and the state of his files at its close, notwithstanding the accession of Sessions and Criminal duties; credit also given to the other authorities in the district for their joint exertions in the reduction of regular suits of longer standing than a year, mention with commendation the improved state of the miscellaneous work, and Mr. Begbie's careful supervision over the acts of his subordinates; result of 2 Special Appeals to Sudder Dewanny Adawlut noticed; allusion made to Mr. Begbie's objections to assist at the examinations of Military Officers in the native languages, and to the notice taken by the Court in regard to the matter.

Paras. 20 and 21. Detail the business regular and miscellaneous done by the Principal Sudder Ameen, whose performances in the miscellaneous department are deemed favorable, as compared with the antecedent annual period; result of appeals from his decisions represented: refer to the regular and miscellaneous work done by the Sudder Ameen of Bolundshuhur and ascribe accumulation of arrears on his miscellaneous files to "mental imbecility and corporal debility" of the officer, who has since retired on a pension.

Paras. 22 and 23. Report on the labors of the 7 Moonsiffs in both branches of their duty, with commendatory notice of the increased attention given by them, generally, to the execution of decrees, mention result of appeals from their judgments, and allude to the unauthorized relinquishment of post, on plea of dangerous illness, by Moonsiff of Barote and the loss of salary justly incurred by him for the period of absence.

Para. 24. Refers to the equalization of the subordinate Civil Jurisdictions and expresses hope of its early adjustment.

Para. 25. After allusion to Mr. Begbie's notice of the extent to which Act XII. of 1843, had been carried out by the unconvenanted Judges, and the failure of some of them to attend to its requirements, in consequence of a different construction put by them on the

Law, states that, with a view of definitively settling the question, the opinion of the Sudder Dewanny Adawlut in Calcutta has been invited, mentions, in connection with the subject, the utter inability of Talib Allee, Moonsiff of Bolundshuhur, to obey the injunctions of the Act, and the measures taken by the Court for his displacement from office.

Para. 26. Alludes to the use of agency under Regulation VI. 1832, decisions restricted to 5 cases of disputed accounts, apprehension expressed by Judge of the impossibility of using that agency in the introduction of a more general application of the Law.

[PARAS. 27 TO 36 INCLUSIVE. ZILLAH ALLIGURH.]

Para. 27. After noticing the state of business in this district as satisfactory, alludes to the remarkable improvement in the reduction of regular and miscellaneous cases, which had been depending longer than a year, when 1843 ended, as contrasted with the state of files at close of antecedent annual period.

Para. 28. Reviews work performed by Judge [Mr. Tierney], explains slight deficiency in the number of regular decisions, as contrasted with 1842, by accession of labor in miscellaneous and Criminal departments, and, as urged by Judge in further extenuation, by obligation imposed on Judges by Act XII. of 1843, of recording decisions in English; mentions the use of Assessors under Regulation VI. of 1832, as restricted to 2 decisions connected with Banker's accounts, the Judge accounting for the infrequency of recourse to this agency, by unwillingness of fitting persons to give their aid gratuitously, and explaining the motives of others, who volunteer their assistance.

Para. 29. In pursuance of determination alluded to in paragraph 23 of last Report, mentions Zuhoor Allee's [Principal Sudder Ameen] absence, on leave, for a time in order to the adjustment of his debts, regrets his secession from public service since commencement of current year, signifies Court's high sense of his uprightness of conduct, and their intention to mark their appreciation of his worth by presenting him with an honorary distinction; details work done by that officer and his substitute, with result of appeals from the decisions of the former.

Para. 30. After adverting to projected equalization of the jurisdictions of the Alligurh and Agra Courts, by transference of the Ryah and Julessur Moonsiffees from former to latter Court, and to certain changes in incumbency in office of Moonsiff, denotes the quantity of work disposed of by the 7 Moonsiffs collectively.

Para. 31. Notices unfavorable result of appeals from the decisions of the Moonsiffs, comments on their judicial fitness, with allusion to acquittal of Ghoolam Ghouse, Moonsiff of Hatrass, from charges of corruption and irregularity preferred against him.

Para. 32. Remarks on the large proportion of the Moonsiff's decisions, exparte and on Ikbal Dava.

Para. 33. Adverts to the inadequacy of room in the Court-house, complained of by Mr. Tierney, states that the Judge will be told, if he think fit, to submit a separate and specific proposition on the subject, appends extracts from Court's address to Judge and from his letter shewing the progress made and work remaining to be done in the adjustment of records of Judgeship, with allusion to the mode adopted by Mr. Tierney, as differing from that devised by Mr. Harington, but practically efficient, and to correction of certain other defects.

Para. 34. Refers to a suit wherein process was served on parties residing within the jurisdiction of the Supreme Court at Bombay, agreeably to Act XXIII. of 1840, and suggests

relaxation of stringency of the Act, in allowing execution of process, without the authenticity of signature of Judge, attached thereto, being deposed to on oath.

Para. 35. Comments on a question discussed by Mr. Tierney in paragraphs 39 to end of his report, relating to the execution of Decrees in appealed cases.

Para. 36. States that the costs of the Moonsiffee establishments in this District are fully counterbalanced by the revenue realized from sale of stamps, and suggests appropriation of surplus to the present allowance made to Moonsiffs for their establishments.

[PARAGRAPHS 37 TO 43 INCLUSIVE. ZILLAH MORADABAD.]

Para. 37. Referring to the apprehensions expressed in last Report, Court notice the improved state of the administration; refers to changes of incumbency in Office of Judge, Mr. Benson having presided for the two first months, and Mr. Macsween during the remainder of the year, and commends reduced state of the files.

Para. 38. Enumerates cases and decisions, with approval of Mr. Macsween's exertions.

Para. 39. Notices the industry of the Principal Sudder Ameen [Tussuddook Hosein Khan] with the favorable testimonies of his superior, which the Court are however unable fully to test; mentions unfavorable result of appeals heard by Judge from his decisions.

Para. 40. Refers to the creditable work of the Sudder Ameens at Moradabad and Bijnore and the result of appeals from their orders; mentions that Ahmed Hosein Khan, has been promoted to the Principal Sudder Ameenship of Goruckpore.

Para. 41. States that as regards quantity, the proceedings of the 11 Moonsiffs Courts have been satisfactory, and that a proposal to abolish 2 of them was treated as premature and has so proved.

Para. 42. Observes that the number of appeals reversed tells against the judicial qualifications of the Moonsiffs, excepting two, at Amroha and Saheswan, but the criterion itself seems uncertain for reasons stated.

Para. 43. Alludes to the pending proposal for the transfer from Kumaon to Moradabad of Talooka Chandee.

[PARAGRAPHS 44 TO 50 INCLUSIVE. ZILLAH BAREILLY.]

Para. 44. Notices the transfer to Goruckpore of Mr. Pidcock, Additional Judge [vide Paragraph 36 Report 1842], and the retirement on pension of the Judge, Mr. Cowell, with the appointment in their stead of Messrs. Lean and Fagan, the question of a third Judgeship in Rohilkund being for the present kept in abeyance.

Para. 45. Treats of the work performed by Messrs. Cowell and Pidcock, and notices the mode, in which appeals were decided by Sudder Dewanny Adawlut.

Para. 46. Notices Mr. Principal Sudder Ameen Berkeley's work, as continuing creditable as regards both quantity and quality, with the calls made on his time by the Magistrate, which the Court have now discouraged.

Para. 47. States that charges were preferred against Mr. Berkeley, but, on full investigation, were dismissed [vide Government Orders 437 dated 30th January 1844], adding

that it was thought expedient, nevertheless, to send his son, the Moonsiff of Beesulpore, to a like office at Seharunpore.

Para. 48. Remarks that the industry of the Sudder Ameen of Bareilly has not been satisfactory, and notices the work of the late Court of the Pillibheet Moonsiff.

Para. 49. Comments on and explains the great falling off, of business in the Moonsiff's Courts of this District, reviews their performances, alludes to a pending question regarding the appointment of a second Moonsiff in Shajehanpore, and commands judicial ability, as tested by the result of appeals, of Mr. H. N. L. Berkeley, and Moonsiffs of Bareilly and Shajehanpore.

Para. 50. Refers to the proposal of Mr. Cowell to establish separate Offices for Registry of Deeds in Shajehanpore and Budaon, which subject is now before Government.

[PARAGRAPHS 51 TO 56 INCLUSIVE. ZILLAH AGRA.]

Para. 51. Referring to paragraph 38 of last Report, alludes to the expediency still shewn to exist, of transferring two Monsiffships from Alligurh, and to the postponement of the measure pending the general revision of jurisdiction under resolution of Government dated 30th October, 1837, meanwhile the work on the file of the Judge continues progressively to decrease, but he, as well as nearly all his subordinates, have had an increase of miscellaneous work.

Para. 52. Gives details and result of the Judge's proceedings, as well as those of the Principal Sudder Ameen, who maintains his former good character.

Para. 53. States that the work of the Sudder Ameen was nominal, excepting in the Criminal Department, and that being now absent owing to physical infirmity, he may not be able to resume his duties, which are at present discharged by Mr. Moonsiff Lyons, also alludes to the proposal (rejected by Government) of abolishing the Sudder Ameen's Court, and the Court's reasons for not renewing the decision.

Para. 54. Observes that, of the work of the Moonsiffs, that of Mr. Lyons shows the greatest industry; states details, and remarks on the practice, which the Court have now forbidden, of dislocating parts of proceedings and entering them as separate cases in Statement No. 3.

Para. 55. Notices the favorable results of appeals from the decisions of the Moonsiffs, of whom Mr. Lyons is classed first in eligibility to promotion.

Para. 56. Referring to a letter in Appendix F, of last Report, states that the defects in the Record department, &c. have been removed, alludes to the necessity of enlarging the Judge's Court-house, and remarks that effort has not yet been given to the provisions of Regulation VI. of 1832.

[PARAGRAPHS 57 TO 64 INCLUSIVE. ZILLAH FURRUCKABAD.]

Para. 57. Notices the continued satisfactory character of Mr. Cartwright's exertions, and comments on the decrease of suits, both filed and pending.

Para. 58. Details the work of the Judge.

Para. 59. Notices the proceedings of the Principal Sudder Ameen, with the circumstances which led the Judge to change his favorable opinion of Mr. Mercer, and the concurring censure passed by the Court.

Para. 60. Relates to the total work of the six Moonsiffs, which is deemed meritorious, to the result of appeals, to the high opinion entertained of Akber Allee Khan and Momein Allee, City Moonsiffs, and to the indifferent judicial character of 2 others.

Para. 61. States the result of 2 special appeals to Sudder Dewanny Adawlut.

Para. 62. Adverts to the very laudable exertions of Mr. Cartwright, in re-organizing the several departments of his office, particulars of which are given in his Report, and comments on his suggestions respecting Civil Juries.

Para. 63. Explains the Judge's views regarding the practice of referring trials for perjury in civil cases to the Sessions Court of other districts, than that in which the crime occurs, with reasons for non-concurrence.

Para. 64. Notices Mr. Cartwright's suggestion that Zillah Judges should annually visit their Mofussil Courts, and [balancing the reasons for and against the measure] the Court desire to have discretionary power to direct such tours of inspection, also alludes to their Circular respecting irregularities in subordinate Courts, as well as to a proposal made by Judge for abolition of Kunouj Moonsiffee.

[PARAGRAPHS 65 TO 80 INCLUSIVE. ZILLAH MYNPOOREE.]

Paras. 65 & 66. In noticing the considerable reduction in the income of Civil business and the depending arrears, both in the higher and lower Courts, advert to various circumstances, which have exercised a detrimental influence on the operations of all the tribunals, but express a hope that Mr. Thompson will exercise his best endeavors for the future, and anticipate a marked amelioration in the Statement of business by the close of this year.

Paras. 67 & 68. Report the quantity of work performed by Judge and Principal Sudder Ameen, and remark diminution of arrears in the miscellaneous files of the latter, whose long service is noticed with approbation, and his retirement mentioned.

Para. 69. Reports on the quantity of work, regular and miscellaneous, performed by the Moonsiffs, which, when contrasted with that accomplished in 1842, appears in an unfavorable light, though not indicative of want of industry on their part.

Para. 70. Notices the defective judgment and careless investigation of the Moonsiffs, denoted by a Memorandum exhibiting the aggregate number of Appeals from their decisions, which were brought to trial and adjudicated by the Judge and Principal Sudder Ameen, and the proportion in which the orders of the inferior Courts were allowed to stand unaltered.

Paras. 71 and 72. Touch on the remedial measures adopted to check certain evil practices, as well as to correct defects in the proceedings of the Lower Courts in this District.

Para. 73. With reference to Mr. G. P. Thompson's recent visitation, observes that the Court did not deem it necessary to enter into any detailed examination of Judicial proceedings or to inspect the arrangements of the records of the Judgeship, when passing through Mynpoorie en route to Agra.

[PARAGRAPHS 74 TO 80 INCLUSIVE. ZILLAH CAWNPORE.]

Para. 74. After commenting on the state of work and comparing the condition of the files with that of 1842, with reference to the reduction of long standing cases, considers the state of business satisfactory and the administration of Mr. Spiers efficient; details work performed by him.

Para. 75. After noticing the mutations of incumbency in the office of Principal Sudder Ameen, mentions the quantity of work performed in that Court and the diminution of arrears, together with the result of Appeals tried by Judge, adverts to the performances of Sudder Ameen.

Para. 76. Mentions the quantity of work performed by the Moonsiffs, both regular and miscellaneous, and regards the result of Appeals from their orders, as representing their judgment in an indifferent light.

Para. 77. States the number of special and regular Appeals from the Judges, and Principal Sudder Ameen's Court that came before the Sudder Dewanny Adawlut during the past year, and how they were disposed of.

Para. 78. Communicates remarks on the Registry of Deeds, together with the instructions given to the Judge on this subject.

Para. 79. Alludes to correspondence on the subject of the execution of certain Decrees against the Mokuddums of Talooka Sheorajpore.

Para. 80. Mentions Mr. B. Tayler's official visit to the Judge's office and his inspection of the arrangement of the records; appends Mr. Taylor's original notes, the result of his visitation.

[PARAGRAPHS 81 TO 87 INCLUSIVE. ZILLAH FUTTEHPORE.]

Para. 81. After alluding to the decrease of Civil work in this District, and to the improvement in the Miscellaneous Department, as compared with 1842, states that the results obtained were unsatisfactory, in regard to the numerous Appeals under Heading 4 of Statement No. 2, in Judge's Court, and to 55 cases of objections preferred in course of execution of Decree on file of Principal Sudder Ameen.

Para. 82. Alludes to the various changes in the incumbency of this Judgeship, and to their injurious effect in disturbing the continuous supervision of the Lower Courts, and remarks on the want of diligence evinced by some of the subordinates, more particularly by Emadool Hussein, Moonsiff of Jehanabad.

Para. 83. Details performances of the Principal Sudder Ameen, Mohumed Shukoor, with remarks on the unfavorable character of his decisions, and states that his secession from judicial employment is no matter of regret.

Para. 84. Comments on the unsatisfactory manner in which Mr. Benson has fulfilled Court's instructions relative to the character and general fitness of the Principal Sudder Ameen.

Para. 85. Reports on state of files and labors of the 3 Moonsiffs during the year, with notice of the judgment evinced by each, that of Nund Lall, Moonsiff of Futtehpore, being the most favorable, allusion made to the suggested abolition of that Court and the incorporation of its duties with those of Principal Sudder Ameen, and the relinquishment by Court of the proposed reduction for the present.

Para. 86. Objection taken to the two remaining Moonsiffs, those of Hutgaon and Jehanabad, the former, from old age and defective vision, has been necessitated to retire from office on a pension, and in regard to the latter, owing to his habitual inattention to miscellaneous duties and to Court's repeated warnings communicated to him, ulterior measures have been instituted.

Para. 87. Remarks on questions of general interest, discussed by Mr. Benson in his report.

[PARAGRAPHS 88 TO 93 INCLUSIVE. ZILLAH BUNDELKUND.]

Paras. 88 and 89. Mention that state of Civil business of this District, as regards income and disposal of suits, was not materially different from that of preceding year, report on the performances of the Judge [Mr. Lean] and state that in two regular appeals heard by Court, his order was in one modified and the other case was remanded.

Paras. 90 and 91. Detail work done by Principal Sudder Ameen and Moonsiffs, and result of appeals from their orders; consider that the notice taken by Court in past year of former Officer's inadequate attention to miscellaneous branch, has had a salutary effect; allusion made to the insufficient occupation of the Moonsiffs of this District, and the possible revival of proposition for the abolition of one Moonsiff's Court.

Para. 92. States that no suits were decided with aid of Jurors or Assessors.

Para. 93. Mentions that in certain cases decided by the Judge, [Mr. Lean] which came before the Court, some irregularities of procedure and deviation from legal principles were detected, which that authority could not satisfactorily explain and ascribes them to judicial inexperience.

[PARAGRAPHS 94 TO 102 INCLUSIVE. ZILLAH ALLAHABAD.]

Para. 94. Eulogises the continued activity displayed by the several tribunals in the Civil administration of this district, and the Judge's [Mr. Lang] supervision of the subordinate Courts, with notice of retardation of a suit on Principal Sudder Ameen's file owing to dilatoriness on part of Behar judicial authorities, which was brought to Calcutta Court's notice with a view to correction.

Para. 95. Alludes to the performances of the Judge, regular and miscellaneous, with commendatory notice touching his prompt adjudication of appeals, which is worthy of universal imitation.

Para. 96. States how 5 appeals to Sudder Dewanny Adawlut from Judge's decision terminated, and alludes to 6th paragraph of Mr. Lang's report in regard to the judgment pronounced by Sudder Dewanny Adawlut in two reversed cases.

Paras. 97 and 98. Report on the performances of the Principal Sudder Ameen and Sudder Ameen; advert to their judicial qualifications, and to an arrangement, by which the duties of the late Moonsiff of Kidgunge were transferred to the Sudder Ameen, Kuramut Alee Khan, the beneficial results anticipated therefrom, noticed.

Para. 99. States that though various changes took place in the grade of Moonsiffs, by the decease of two and retirement of another, yet no impediment has ensued in the progress of business; describes the labors of the four Moonsiffs, and expresses satisfaction at the creditable result of the performances of the City and Serai Akil Moonsiffs, the latter having been rewarded during the year by promotion to the higher rate of salary.

Para. 100. States the circumstances, to which the large number of decisions, exparte and on confession of judgment, in the City Court, is attributable.

Para. 101. Mentions that certain questions adverted to by Mr. Lang, have all been brought under the consideration of Government, viz., employment of Nazirs in the Moon-

siff's Court; augmentation of the allowance for their ministerial establishments, and erection of Kutcheries for them at the public cost; notices Judge's singular representations of labor and difficulty experienced in giving effect to a Circular Order for preventing the abstraction and refiling of used stamps; adverts to the use made of the aid of Juries and Punchayets, and the continued dislike of respectable natives to sit as Jurors, and mentions the advantages derived from the appropriation of building formerly occupied by the Sudder Dewanny Adawlut to the accommodation of the Judge's office.

Para. 102. States that the Judge of the Court, who revised the statements for last quarter of 1843, commended the "energetic control" maintained by Mr. Lang over his subordinates.

[PARAGRAPHS 103 TO 111 INCLUSIVE. ZILLAH GORUCKPORE.]

Paras. 103 and 104. After noticing the changes of incumbency in Judgeship, and state of the general file, allude to the improvement in regular and miscellaneous departments; describe the amount of work performed by the several officers, who presided in the Judge's Court; and relate the causes, owing to which no recourse was had to the provisions of Regulation VI. of 1832.

Paras. 105 and 106. Describe the result of labors of the Principal Sudder Ameens and Sudder Ameen, and the mode in which appeals terminated, as being favorable to the former, but less so in respect to the latter Officer.

Paras. 107 and 108. Having alluded to the Judge's [Mr. Pidcock] Statements shewing cost of each Moonsiffee establishment and revenue realized on account of stamps with other matters, report on the business despatched by the Moonsiffs, and the result of appeals from their Courts, which is somewhat more favorable than that shewn in last Report, but not so much so as might have been expected from the superior character, which has been assigned to them.

Para. 109. After referring to Appendix J, relative to certain general subjects discussed in Judge's Report, paragraphs 18 to 31, and disposed of, remarks that interpretation of Section 11, Regulation VII. of 1832, has received Calcutta Court's acquiescence, and that objectionable practice of the Moonsiffs in realizing fines, under Act XXX. of 1841, by distraint has been corrected.

Para. 110. States that by Mr. W. H. Woodcock's exertions, the re-arrangement of the Judge's records has been partly accomplished, and adverts to the anomalous state of the Law in regard to the procedure in the conduct of Revenue sales in satisfaction of decrees of Court.

Para. 111. Mentions how 8 appeals, heard by Sudder Dewanny Adawlut in 1843, from the Judge's Court and 4 from that of the Principal Sudder Ameen's, terminated.

[PARAGRAPHS 112 TO 120 INCLUSIVE. ZILLAH AZIMGURH.]

Para. 112. Notices the favorable state of the files of this district, which entitles Mr. Neave, the Judge, for the vigorous and skilful exercise of his controlling authority, and his coadjutors, for their energetic exertions in the administration of Civil Justice, to commendation.

Para. 113. States the amount of business despatched in the Judge's Court, which is considered satisfactory, and the result of 7 special appeals from Mr. Neave's orders.

Paras. 114 and 115. Notice correction of a faulty practice [alluded to in Report for 1842,] and large reduction of old standing arrears, by the Principal Sudder Ameen, Syud Mohumed Lutief; detail in rather favorable light his performances, regular and miscellaneous, but not so as regards the quality of his decisions; and comments on paragraphs 5 to 9 of Mr. Neave's report, relating to suspicions entertained by him of the respectability of the Principal Sudder Ameen's character.

Para. 116. Alludes to improved state of the Sudder Ameen's Office since the incumbency of Kazee Yar Alee, details work performed by that Officer, as being very favorable with reference to the satisfactory termination of appeals from his decisions; expresses Court's high opinion of his official merits, which have been recognized by his nomination to a vacancy in the grade of Principal Sudder Ameens.

Para. 117. Alludes to the possible abolition of the Sudder Ameen's Office.

Paras. 118 and 119. Allude to reduction of one Moonsiff's Court during past year; detail work disposed of by the remaining 2 Officers of that grade, Mohumed Sulleem, Moonsiff of Azimgurh, and Heyt Lall, Moonsiff of Mohumudabad Gohna, with opinion touching result of appeals from their decisions, and character of both, which is highly favorable as respects the former; advert to paragraph 15 of Mr. Neave's Report regarding press of work in latter Moonsiff's Court and the prospective necessity either of temporary aid being afforded, or re-division of District, and to notice taken by the Court of the matter.

Para. 120. Adverts to remarks recorded by Mr. Neave in paragraphs 25, 26, 28 and 30 on subjects of collusive decrees, registration of deeds, publication of cases decided by Sudder Dewanny Adawlut, and Regulation XII. of 1833 and incompetency of Pleaders, and appends [K] Extracts from Court's letter to the Judge, where these points are noticed; also alludes to paragraphs 20, 21, and 22 of Mr. Neave's Report explanatory of the infrequent use of Regulation VI. of 1832; and to paragraph 19, having reference to sanction accorded by Government for extra agency for assortment of records received from Jounpore.

[PARAGRAPHS 121 TO 130 INCLUSIVE. ZILLAH JOUNPORE.]

Paras. 121 & 122. Express Court's regret that serious sickness should have compelled the Officiating Judge, Mr. Harington, to quit his station, and represent the improved administration of Civil Justice since he joined, by comparing the state of the file 1840 and 1843 shewing that great arrear had been reduced, supineness in Native Courts corrected, and arrangement of records completed.

Para. 123. Alludes to Mr. Harington's Report for 1843 forwarded by his successor, Mr. R. J. Tayler, and expressing Court's high commendation of the former, details the work performed and remaining, in the several Courts; also notices certain errors of practice, which have been corrected.

Para. 124. Gives the periods during which different Officers were in charge in the year, with the number of suits and appeals decided in the Judge's Court; and the number in which a Punchayet was employed; also states that no Appeals came before the Sudder Dewanny Adawlut.

Para. 125. Refers to the business of the Principal Sudder Ameens and Sudder Ameens' Courts, with details.

Para. 126. Notices the favorable opinion entertained of these Officers by the late Judge, which the Court are disposed to trust, though the result of Appeals, especially as regards the Principal Sudder Ameen, seems against them; also mentions the promotion and

transfer to Goruckpore as Principal Sudder Ameen, of the Sudder Ameen Gholam Mohumud Moostuffa, whose late office has been abolished and a 4th Moonsiff appointed.

Para. 127. Notices the distribution of the Moonsiffs, their work, and the results; and alludes to the measures taken to facilitate execution of decrees.

Para. 128. Gives details of appeals from decisions of Moonsiffs, with opinion on their respective merits; and alludes to modifications of jurisdiction effected and intended.

Para. 129. Considers Mr. Harington's scheme for the preparation of original suits for adjudication; states that the Court doubt the success of any scheme, which requires "a preparer of causes" separate from the Judicial Office, and mentions a circular issued by them, which will effect certain improvements; also comments on a supposed anomaly in the Law of Default.

Para. 130. States Mr. Harington's remarks on effects of Act XXI. of 1843, will be noticed in the general summary at end of this Report.

[PARAGRAPHS 131 TO 136 INCLUSIVE. ZILLAH MIRZAPORE.]

Para. 131. Mentions that Mr. A. P. Currie presided in this Judgeship throughout the year, but 15 days; details the cases, older than a year, pending at its close; alludes to partial increase in the income of suits as compared with 1842, and to falling off in the number of decisions, and states that the cause of accession of arrear is unexplained by Officiating Judge.

Para. 132. Notes performances of Mr. Currie; alludes to his remark regarding accession of work caused by delegation to him of a portion of duties of late Office of Superintendent over the Family Domains of the Rajah of Benares; and details result of one special appeal from Mr. Currie's decision and of seven appeals from the orders of Mr. R. J. Tayler.

Para. 133. Describes work of Principal Sudder Ameen, Pundit Beerbul, in Regular Miscellaneous and Criminal Departments which is considered numerically deficient; details result of appeals from his decisions as Principal Sudder Ameen and Sudder Ameen; alludes to his displacement on account of old age, &c. and expresses hope that the result of certain enquires now in progress, respecting him, will secure a pecuniary allowance for his support.

Paras. 134 and 135. Refer to paragraph 95 of last Report, touching abolition of one of the Moonsiffs' Courts and again postpone question for future consideration; detail work of the 3 Moonsiffs, that of Mr. McGowan being greater than the others, also the quality of his decisions being superior; unfavorable mention made of two Officers, who officiated in Chunar Moonsiff's Court during 1843, one of whom has been dismissed for misconduct; and state that Officiating Judge had been recommended to require attendance of Mohumud Nusseer, Moonsiff of Kutchwa, at an ensuing examination.

Para. 136. Alludes to revision of the Peadah Establishment and to re-adjustment of the records, and states that the provisions of Regulation XII. of 1833 are not availed of, in his District.

[PARAGRAPHS 137 TO 146 INCLUSIVE. ZILLAH BENARES.]

Para. 137. Notices the report submitted by Mr. D. B. Morrieson, [who in 1844 succeeded to the Judgeship], and the progressive improvement in the operations of the Benares Courts; and gives a detail of the regular and miscellaneous cases.

Para. 138. Mentions the additional aid supplied and the other grounds of the Court's expectation that the arrears will be greatly diminished during the year.

Para. 139. Compares number of cases and their results in 1842 and 1843, and details the increased amount of work performed by the late Judge, Mr. Rivaz.

Para. 140. Referring to paragraph 99 of last Report, explains why the substitution of Mohumud Hakeem Oodeen, as Principal Sudder Ameen, has not had the desired effect; and states that that Officer has been allowed to retire on a pension, and that Jumeel Oodeen Khan has been appointed instead.

Para. 141. Treats of the work of Mr. Campier, Additional Principal Sudder Ameen, and of the occurrence of an accident, which obliged him to be absent for a season.

Para. 142. Notices a letter of the Additional Principal Sudder Ameen, defending himself from the charge of insufficiency of performance, and observes that the result of appeal from his decisions is unfavorable.

Paras. 143 and 144. Detail the work performed and remaining on the files of the Moonsiffs, with result of appeals from their decisions; commends those of the Moonsiffs of Juggutgunge and Chandnee Chouk; and states that through his age and deafness the retirement of Kazee Furzund Alee, may be advisable.

Para. 145. Notices the fulfilment of Court's anticipations respecting improvement in the Judicial proceedings of Benares.

Para. 146. Alludes to the re-arrangement of Records, and to the allotment of Pleaders to the Judge's and Principal Sudder Ameen's Courts.

[PARAGRAPHS 147 TO 153 INCLUSIVE. ZILLAH GHAZEEPORE.]

Para. 147. Contrasts the Civil business of 1842 with its very satisfactory state in 1843, which reflects great credit on Mr. Heyland, the Judge's supervision, and entitles all concerned to the Court's acknowledgments.

Para. 148. Notices the performances of the Judge, and alludes to the infrequency of decisions, passed with the aid of Jurors or Assessors.

Para. 149. Specifies the work performed by Moulvee Mohumud Zahoor, Principal Sudder Ameen, who maintains his high character, as evidenced by the result of appeals from his decisions.

Para. 150. Alludes to the favorable results of the junction of the offices of Sudder Ameen and Moonsiff in the person of Mr. J. Kirk; and to the work performed and on the file, as well as to the manner in which appeals ended.

Para. 151. Relates to revision effected of the jurisdiction of the Moonsiffs; to the work performed by them; and to a seemingly erroneous mode of entering cases on the Ghazeepore statements.

Para. 152. States results of appeals from the decisions of the Moonsiffs, with opinion on their respective merits.

Para. 153. Notices that the location of 4 of the Moonsiffs' Courts at Tuhseeldaree stations has rendered practicable the extension to this district of the Circular Order dated 18th September, 1840.

[PARAGRAPHS 154 TO 159 INCLUSIVE. KUMAON.]

Para. 154. States that the successful operation of the Assam system has continued through 1843, as shewn by Mr. G. T. Lushington's Report, and compares the year's performances with those of the preceding period.

Para. 155. Refers to a subjoined Table shewing the No. &c. of Regular and Miscellaneous cases, and noticing, that while the great number of cases filed and withdrawn is significant of the litigious character of the people, the assistants have performed sufficient work and deserve the high character recorded by the Commissioner.

Para. 156. Observes that the work of the Native Officers is less satisfactory, and comments on exculpatory reasons suggested by the Commissioner, the first of which is untenable, and the second regarding their want of power to confront parties, has ceased to have existence.

Para. 157. Notices the remarkably large proportion of appeals from Native Officers' decisions confirmed; also the results of appeals from decrees by the Assistants; and a question raised by one of them respecting his rank and position relatively to the Commissioner.

Para. 158. Treats of the *Execution of Decrees*, the disposal of a large number of applications being satisfactory.

Para. 159. Comments on the extensive and satisfactory employment of Punchayets or Assessors, by whose aid 53 cases were decided, in only one of which the decision was not upheld.

[PARAGRAPHS 160 TO 164 INCLUSIVE. SIMLA.]

Para. 160. Alludes to the revision of the Subathoo agency, by which the powers of a Court of first instance have been added to the appellate authority of the Sub-Commissioner with satisfactory results; and comments on the figured details.

Para. 161. Relates to the performances of the Assistant, Mr. Brian Hodgson, and the character of the Hill people as being similar to that of Kumaon.

Para. 162. States that miscellaneous business is restricted almost entirely to the Court of the Sudder Ameen, and mentions the amount of work disposed of by him.

Para. 163. Mentions result of appeals from Mr. Brian Hodgson's decisions.

Para. 164. Alludes to a recent proposal of Mr. Erskine, Sub-Commissioner, for revision of the scale of Vakeel's fees.

[PARAGRAPHS 165 TO 192 INCLUSIVE. SUDDER DEWANNY ADAWLUT.]

Para. 165. Details in a Tabular form the number and description of cases disposed of by Sudder Dewanny Adawlut.

Para. 166. Refers to interruptions to business, occasioned by the temporary absence of some Judges, and the removal of the Court to Agra.

Para. 167. Adverts to alterations made in the Statements, heretofore submitted by the Sudder Dewanny Adawlut, in pursuance of the desire expressed by the Hon'ble the Court of Directors.

Para. 168. States reasons for the retention of certain Statements, Nos. 3, 4 and 9, and 16 and 17.

Para. 169. Mentions the addition of a new Statement, designed to shew the proportion borne by appeals to the number of cases decided, as well as the proportion of confirmations and reversals, with remarks explanatory thereof.

Para. 170. Submits a list of the Statements, as now forwarded, and states the object of each.

Paras. 171 and 172. Compare the state of the pending business with that exhibited at the close of 1842; state number of cases, older than a year, awaiting Court's Judgment, and the year of their institution, describe the manner in which appealed causes terminated, and specify the value of property involved therein, as well as of that under litigation before all the Judicial tribunals.

Para. 173. Details the result of the Judicial operations of all the Civil Courts in the North Western Provinces, those determined by Sudder Dewanny Adawlut and the tribunals of Kumaon and Subathoo excepted.

Para. 174. Submits a marginal table, shewing the character of the decisions passed by each grade of local tribunals, and exhibits the proportion borne by appeals preferred to decisions recorded.

Para. 175. Comments on the satisfactory diminution in the number of cases, older than twelve months, exhibited in Statement No. II., and adds remarks.

Para. 176. Refers to Statement No. V., exhibiting the suits brought to set aside summary decisions.

Para. 177. Reports on the operation of Regulation VI. of 1832, specifies the Districts in which its provisions are least extensively used, and alludes to the remarks recorded by certain Zillah Judges on the subject.

Para. 178. With advertence to Statement No. VIII., mentions the number of unexecuted decrees, pending in the several local Courts at the end of 1843, and comments on the general improvement perceptible in this Department; refers to certain explanatory Circulars issued for general observance.

Paras. 179 and 180. Relate to the result of appeals preferred to Sudder Dewanny Adawlut and their number as represented in Statement No. II., and note the proportion remanded, submitting a marginal table, illustrative of the operation of the remand Law, in the Zillah appellate Courts, progressive decrease of remands noticed, as favorable.

Para. 181. With reference to Statement No. XII., submitted for the first time, observes, that though the results represented justify an inference somewhat unfavorable to the character of judicial tribunals, the Court would prefer to postpone expression of any decided opinion, until the compilation of the same statement for future years afford means of comparison.

Para. 182. Represents, that the miscellaneous department generally has increased in efficiency, as shewn by the particulars in Statements Nos. XVI. and XVII.

Para. 183. Notifies the new appointments to office of Principal Sudder Ameen made during the year 1843.

Para. 184. As desired by the Hon'ble the Court of Directors, appends a Statement, shewing the amount of costs in cases appealed to Queen in Council, recovered, and that still due.

Para. 185. Adverts to certain enactments passed in 1843, describes the effects produced by their operation on the transaction of business in Sudder Dewanny Adawlut.

Para. 186. With reference to the enlarged competency of Moonsiffs, as enacted by Act VI. of 1843, advocates the appointment of Nazirs on their ministerial establishments; states the practical effect of the Act can hardly be judged yet.

Paras. 187 and 188. Notice the beneficial tendency of Act XII. of 1843, anticipate some reduction in the quantity of work, from its operation, and add some remarks on the subject by Mr. H. B. Harington, which are considered worthy of attention.

Para. 189. With reference to paragraph 130 of Court's Report, for 1842, states the steps taken by the Court preliminary to the institution of an enquiry, having for its object the ascertainment of the working of Circular Order, No. 208, dated 24th June 1842, adverts to correspondence with Government on the subject.

Para. 190. Alludes to a Circular Order issued during 1843, designed to suppress the obnoxious practice of taking cognizance of matters not set forth in the pleadings, and to another for the prevention of delays in the preparation of cases for decision.

Para. 191. With reference to Government Orders No. 5352 dated 30th November, 1843, states that papers recommendatory of the abrogation of Regulation XII. of 1833, have been submitted for the consideration of the Legislative Council.

Para. 192. Mentions that little progress has been made in revising the Register Books, used in the Local Courts, and that Court propose to invite the opinions of the Judges before issuing any instructions.

G. F. EDMONSTONE,

Register.

List of Original Enclosures.

No. 1,	Letter	from the	Judge	of	Delhie,	No. 167,	dated 16th	March,	1844.
No. 2,	„	ditto	„ ditto	of	Seharunpore,	No. 26,	dated 13th	Feby.,	1844.
No. 3,	„	ditto	„ ditto	of	Meerut,	No. 30,	dated 2nd	April,	1844.
No. 4,	„	ditto	„ ditto	of	Allygurh with Enclosure, a plan,	No. 30,	dated 13th	June,	1844.
No. 5,	„	ditto	„ ditto	of	Moradabad,	No. 18,	dated 24th	Feby.,	1844.
No. 6,	„	ditto	„ ditto	of	ditto,	No. 32,	dated 4th	May,	1844.
No. 7,	„	ditto	„ ditto	of	Bareilly,	No. 34,	dated 26th	Feby.,	1844.
No. 8,	„	ditto	„ ditto	of	Agra,	No. 61,	dated 7th	May,	1844.
No. 9,	„	ditto	„ ditto	of	Furruckabad,	No. 28,	dated 27th	Jany.,	1844.
No. 10,	„	ditto	„ ditto	of	Mynpoorie,	No. 78,	dated 11th	May,	1844.
No. 11,	„	ditto	„ ditto	of	Cawnpore,	No. 65,	dated 8th	April,	1844.
No. 12,	„	ditto	„ ditto	of	Futtehpore,	No. 15,	dated 30th	May,	1844.
No. 13,	„	ditto	„ ditto	of	Bundelkund,	No. —,	dated 28th	April,	1844.
No. 14,	„	ditto	„ ditto	of	Allahabad,	No. 6,	dated 30th	Jany.,	1844.
No. 15,	„	ditto	„ ditto	of	Goruckpore,	No. 48,	dated 29th	Feby.,	1844.
No. 16,	„	ditto	„ ditto	of	Azimgurh,	No. 9,	dated 9th	Feby.,	1844.
No. 17,	„	ditto	„ ditto	of	Jounpore,	No. —,	dated 31st	Decr.,	1843.
No. 18,	„	ditto	„ ditto	of	Jounpore with Enclosure,	No. 23,	dated 15th	Feby.,	1844.
No. 19,	„	ditto	„ ditto	of	Mirzapore,	No. 22,	dated 24th	Feby.,	1844.
No. 20,	„	ditto	„ ditto	of	Benares,	No. 40,	dated 23rd	Feby.,	1844.
No. 21,	„	ditto	„ ditto	of	Benares with Enclosure,	No. 71,	dated 8th	April,	1844.
No. 22,	„	ditto	„ ditto	of	Ghazeepore,	No. 28,	dated 1st	Feby.,	1844.
No. 23,	„	ditto	„ Commr.	of	Kumaon,	No. 17,	dated 21st	Feby.,	1844.
No. 24,	„	ditto	„ Judge	of	Simla,	No. 64,	dated 3rd	Feby.,	1844.

G. F. EDMONSTONE,

Register.

APPENDIX A.

(Copy.)

No. 522.

To C. LINDSAY, Esquire,

Judge of Delhie.

Sir,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, and
J. Davidson,
Judges.
Esquires.

I am directed to acknowledge the receipt of your letter No. 157 dated 14th Instant, with its enclosures, reporting, for the animadversive notice of the Court, certain instances of official misconduct on the part of the Moonsiff of Hissar, Lala Faqueer Chund, and in reply thereto, to convey to you the subjoined remarks.

2. The faults imputed to this Moonsiff may be resolved into the following:

1stly. The dependence, at the close of 1843, of a suit instituted on 5th April, and the Moonsiff's omission to make special allusion to it, on his monthly statements.

2dly. His failure to reply to various proceedings of your Court, pointing out to him irregularities and errors for correction. The Court, having given, their best attention to your allegations, and having inspected the Moonsiff's justification of his proceedings, as recorded in the Vernacular enclosures of your letter under acknowledgement, are unwilling to visit with the utmost severity of their censure, a functionary, against whom no imputations of a graver dye than those above recited, can be advanced; even if these were fully established, they could hardly be taken to justify an expression of the Court's serious displeasure, but when they are found to be in themselves omissions of lesser moment, and when the culpability of those omissions is greatly mitigated by circumstances set forth in the Moonsiff's proceedings, the Court may be permitted to abstain from animadversion, leaving, that which you may have administered, to have full operation.

3. The Court observe, with reference to the first accusation, that those suits only, which have been depending for upwards of a twelvemonth, are required by Circular Orders of the Sudder Dewanny Adawlut, to be specially reported on the monthly statements, and that the Moonsiff, in omitting to make mention of that instituted in his Court on the 5th April, previous to the expiry of one year from the date of its incipiency, transgressed no rule, evaded no obligation, and cannot therefore be held on that account justly liable to censure: whether the suit were susceptible of being brought to a termination within a shorter space of time than nine months, and whether the explanation given by the Moonsiff of its protraction be altogether sufficient, are not understood to be the questions referred on the present occasion for the consideration of the Court, but simply his supposed negligence in failing to report on his monthly returns the existence of a suit, of considerable standing.

4. While on this subject, the Court cannot but observe, that, whatever may have been the cause of the prolonged dependence of the case adverted to, habitual dilatoriness in the preparation of his suits for adjudication would not seem to be one of the imperfections of this Moonsiff's official character, for it is represented in his Roobacaree dated 3rd ultimo, that on that date *no suit* instituted in 1843, awaited determination in his Court.

5. As regards the second head, the Court have no doubt, that you have exercised a sound discretion in noticing irregularities of procedure, and carelessness of practice on the part of the Hurrianah Moonsiff, and they commend the zealous and proper spirit, which has actuated you in repeatedly desiring their correction, but they are at the same time apprehensive, that you have not extended to the Moonsiff's justification the consideration and indulgence, which it appears to merit, and have characterized that as a "poor expedient," which may, without any effort of imagination, be regarded as a true exposition of the difficulties, with which the Moonsiff had to contend during the past year. The Moonsiff, acknowledging the actual occurrence of the errors, &c. pointed out to him, and recording his earnest desire to avoid their repetition, refers for his exculpation to the *known* prevalence of epidemic sickness in that quarter of the country during the greater part of the year, and the *not improbable* consequence of frequent changes among the ministerial officers of his Court having been necessitated thereby: it is not found, that the Moonsiff attempts to throw the blame on his Omlah, or seeks his own justification by resorting to any unworthy subterfuge, and it is undeniable, that frequent mutations of incumbency among the members of his ministerial establishment, necessarily combined with a want of intimate knowledge on their part and that of their successors, regarding the state of the file, and the condition of the record, might have induced some degree of disorder and irregularity without any absolute negligence or remissness being supposed on the part of the Moonsiff. The Court will refrain therefore on the present occasion from recording any direct "censure" of the proceedings of the Moonsiff of Hurrianah, trusting that the admonition and instruction, which you may have communicated, will be productive of the desired effects, in stimulating the Moonsiff to exertion, and impressing upon him the importance of regularity and method in discharging the duties committed to him.

6. I am desired in conclusion to request, that, whenever you may have occasion to comment on the merits of a Moonsiff's conduct, as in the present instance, or to mention him in an application for leave or otherwise, you will observe the requirements of Circular Order No. 180 dated 14th January 1842, and designate him by name, as well as by his division.

I have the honor to be, &c.

[Signed] G. F. EDMONSTONE,
Register.

Agra, the 30th March, 1844.

ABSTRACT.

With reference to No. 157 dated 14th Instant, communicates the remarks of the Court relative to certain misconduct imputed to the Moonsiff of Hissar, Fuqueer Chund, and expresses a hope that the admonition conveyed by Judge will be sufficent for all purposes without an expression of the Court's displeasure; calls attention to Circurlar Order Sudder Dewanny Adawlut No. 180 dated 14th January 1842.

True copy.

G. F. EDMONSTONE,
Register.

APPENDIX B.

Extract Paragraphs 2 and 3 of a letter from Register to the Court of Sudder Dewanny Adawlut North Western Provinces No. 768, dated 2nd May last, to the address of Mr. H. Lushington Judge of Seharunpoor.

Para: 2. In the 10th and 13th paragraphs of your Report allusion is made to the extraordinary preponderance of Suits for the recovery of debts on bond or otherwise, in the Civil Courts of Seharunpoor, and to the principle, on which these cases are adjudicated by the Moonsiffs, before whom they are ordinarily instituted: the subject is of the utmost importance, whether the mere statistical fact, or the supposed prevalence of Perjury and Forgery, reasonably deducible from your premises, be regarded, and it appears to the Court absolutely necessary to ascertain, how far those deductions are just and sustainable: if money transactions be so numerous and extensive, as to constitute almost the sole subject of litigation in the Courts comprised within the jurisdiction of Seharunpoor, there must exist, the Court, presume, some peculiar circumstances either of distress or enterprise, to account for the phenomenon, which enquiry may possibly serve to elicit; if on the contrary, the District be not peculiarly circumstanced in those respects, the conclusion is unavoidable, that the crimes of forgery and perjury prevail to a deplorable extent, and it will become your duty to take measures for the suppression of this evil, by the Criminal prosecution of those against whom sufficient evidence may be procurable.

3. The heading of Statement No. 4, under which these Suits are classed, represents "Debts on bond or *otherwise*" and it is therefore reasonable to suppose, that in the 4028 cases under notice, may be comprised a large proportion of Suits instituted for the recovery of loans, without documentary proof on parole evidence alone, commonly called "dust gurdan," and those brought on account book entries [buhee khata]; if on enquiry such should be ascertained to be the fact, the scope of your remarks regarding the existence of Forgery will be somewhat circumscribed, although the correctness of your inferences will not be impeached, and your suspicions may perhaps diverge into another channel, and be directed to the possible prevalence of false and fraudulent claims professedly arising in the transactions above alluded to. The Court, therefore, desire me to request, that you will ascertain and report how many of the 4028 Suits under notice were brought for the recovery of debts "*on bond*," the proof of the transaction resting mainly on documentary evidence, and in what proportion of that Class, the claim has been dismissed in consequence of the supposed fabrication of the Bond; you are also requested to state, whether on such dismissed Suit being appealed to your Court, you have invariably adhered to the rule of non-interference or whether in any instance you have reversed the judgment of the Lower Court, and if so, on what grounds. The Court will also be glad to receive your opinion as to the causes of this extraordinary feature in the nature of the litigation found to prevail in Seharunpoor: no other District presents similar peculiarities, and the Court are not without a hope that local enquiry may demonstrate their origin.

[True Extract]

G. F. EDMONSTONE,

Register.

APPENDIX C.

Extract paragraph 5, of a letter from Register to the Court of Sudder Dewanny Adawlut, North Western Provinces, No. 768 dated 2nd May last to the Judge of Seharunpoor.

Para. 5. Your observations relative to the reception of new evidence, oral and documentary in Appeal, have engaged the attention of the Court, and are generally concurred in; you judge rightly in supposing, that the *same* case should be tried in Appeal, as that, which has been decided by the Lower Court, but with this, the assertion that the reception of further evidence frequently alters the complexion and character of a case, appears somewhat inconsistent, or at any rate indicative of erroneous practice; if, agreeably to the license allowed by the Law, the Appellate authority require further evidence, that evidence should simply have for its object the determination of the claim in the shape, in which the plaintiff lays it, or the elucidation of the issues tried by the Lower Court, and not the evolvement of new points, urged by the Appellant in the secondary stage of the case: it is not of course *obligatory* on the Appellate tribunals to admit the additional evidence, which may be offered, and there can be no question, that proof directed to subvert the "arguments of the Moonsiff," should be at once rejected, and every other lawful means taken to discourage inattention, on the part of the litigant parties, to the injunctions of the Courts of first instance. It is worthy of remark, that the enactment of Act VII. of 1838, extending to the Zillah Judges the powers conferred on a single Judge of Sudder Dewanny Adawlut by Clause 2, Section 2, Regulation IX. of 1831, has virtually superseded the necessity of resorting to the expedient authorized by Section 10, Regulation XXVI. of 1814, and that little evil consequently can result from the mere existence of a privilege, the exercise of which is discretionary with the Judge.

(True Extract.)

G. F. EDMONSTONE,

Register.

APPENDIX D.

Extract paragraph 4 of Judge of Allygurh's letter, No. 58, dated 22d November 1843.

Arrangements of Records.

Since the Report made by Mr. Morrieson, the Officiating Judge, in his letter No. 15 of the 12th April 1841, of the work, which was then completed and remained to be done in arranging the Civil Records of this Court, Execution of Decrees Misls have been put up with the original cases to which they belong, and appealed cases both regular and special have also been placed with their original Suits, of the several Courts of the Judge, Register, Mooftees, Pundits and Sudder Ameens, from 1805, the date of the formation of the Office up to February 1833. Lists of the Misls kept in each separate Bustah have been made, and these lists have been copied into Books for ready reference. Monthly lists of the regular Suits decided by Moonsiffs have also been prepared and placed in their proper bustahs up to 1839—a list of all papers composing each separate Misl decided by the Judge from 1837 to 1839, has also been made. There remains to be made, Lists of the papers composing the several Misls, and the arranging of those papers in their order of dates preparatory to their being strung into Nutthees. A chest

containing miscellaneous papers of old standing, requires to be examined and rightly assorted, and such as are fit to be destroyed, to be set aside.

The above work has been done by the Mahafiz Dufter and his Nayib, aided by the extra establishment allowed to him up to the end of September 1841, and during the leisure time available at intervals after getting through his current duties; the Mohurrirs of the subordinate Courts have also been required to assist during the Holydays; the additional duty of Punching Stamp Papers and selecting Blank Stamps to be destroyed conformably with the Circular Order, No. 981, of 25th May 1843, which has devolved on the Mahafiz Dufter, will considerably impede the completion of the work remaining to be done.

The arrangement of the Records, which has been adopted, and the preparation of Lists bound up into Volumes, is found to answer perfectly well for all purposes of ready reference, and no delay whatever occurs in the production of cases when called for. The more minute arrangement proposed by Mr. Harington, Officiating Judge Zillah Jounpore, as transmitted with the Court's letter No. 158 dated 29th January last, is impracticable, without the aid of extra establishment, such portion of those rules however as are capable of adoption conformably with the arrangement already made, shall be followed in adjusting the miscellaneous records remaining for arrangement.

Records to be destroyed.

The useless records of this Office, excepting some miscellaneous papers, which had not been examined, were destroyed by Mr. Morrieson up to the end of 1820, and it is now desirable, in order to make room for those to be kept and to facilitate the work remaining to be done, that they, according to the Lists given in the Circular Order of the 3rd July 1834, be destroyed up to the 1st of January 1831, due attention being given to the precautions prescribed in the Court's Circular Order of the 10th February 1833. I would propose that the Records to be destroyed be soaked in water and all writing effaced from them, and then sold instead of being burnt, and the proceeds be given to the making up of additional Racks to hold the assorted Papers.

(True Extract.)

G. F. EDMONSTONE,

Register.

APPENDIX E.

(Copies.)

To JAMES LEAN, Esquire.

Judge of

Bareilly.

Sir,

I have the honor to submit an Extract from the Magistrate's report of Criminal Justice, with an Abstract Statement shewing the business I have performed in this department during the past year, and to beg you will have the kindness to forward them to the Sudder

Court. Exclusive of which, I was placed in charge of the Joint Magistrate and Assistant Magistrate's business, four different times in the last year, in consequence of their absence or indisposition.

1st. For four days, from 10th to 13th March, under orders of the Magistrate dated 8th of that month, in consequence of the departure of Mr. Mill.

2nd. For 22 days, from 4th to 25th April, under an order of Mr. Monckton, Joint Magistrate, dated 3rd of that month, owing to his indisposition.

3rd. For one month and 14 days from 8th September to 22nd October, 1843, under an order from the Magistrate dated 4th September, in consequence of the absence of the Assistant Magistrate on leave.

4th. For 26 days from 2d to 28th October, 1843, under an order from the Magistrate dated 2d of that month, in consequence of the promotion of Mr. Mackenzie to the situation of Session Judge, and the non-arrival of Mr. Wylly.

I have &c.

(Signed) H. J. F. BERKELEY,

Principal Sudder Ameen.

Bareilly, the 12th March, 1844.

Extract from the Police and Criminal Justice Report of the Magistrate of Bareilly, for the year 1843, to the address of the Commissioner of Rohilkund No. 13, A, dated the 20th February, 1844.

No. 2, Abstract of business disposed of and Pending for 1843.

Names of Officers.	Designation of office.	Criminal business disposed of in 1843.					Criminal business pending 31st Decr. 1843.					Business not shewn in preceding Columns.			
		Heinous offences form No. 1.	Petty offences form No. 2.	Appeals.	Proceedings from other Zillahs.	Applications and petitions of every other description.	Heinous offences form No. 1.	Petty offences form No. 2.	Appeals.	Proceedings from other Zillahs.	Applications and petitions of every other description.	Cases prepared for decision of superior officer.		Cases under Act 4 of 1840.	Cases under Act I. of 1841.
												Preparing Officer's opinion upheld.	Opinion set aside.		
H. Berkeley, Esq.	P. S. Ameen.	6	125	0	0	430	0	1	0	0	14	262	80	0	0

Besides the work here shewn, the Subordinate Officers were also employed, occasionally, in taking some depositions in cases prepared and disposed of by the Magistrate and shewn therefore, wholly opposite that Officer's name.

Paragraph 20.

Name of Officer.	Period of administration. From	To	Number of cases.	Number of Persons.	Cases disposed of by each officer himself. Released.	Punished.	Cases prepared for Magistrate's orders. Preparing Officer's opinion upheld.	Preparing Officer's opinion set aside.	Appeals. Upheld.	Reversed or Revised.	
H. Berkeley, P. S. Ameen.	1st January.	31st December.	131	220	108	112	262	80	11	3	

Mr. Berkeley, Principal Sudder Ameen, enjoys a well known and deserved reputation, and it is with much pleasure that I avail myself of the opportunity here afforded, of bearing my testimony to the efficient assistance I have received from him during the whole of the past year.

(Signed) HENLEY CLARKE, *Magistrate.*

(True Extract.)

(Signed) H. J. F. BERKELEY, *Principal Sudder Ameen.*

(True Copy.)

(Signed) JAMES LEAN, *Officiating Judge.*

Abstract Statement of Criminal business performed by the Principal Sudder Ameen of Bareilly in 1843.

Referred in 1843. Regular.	Miscellaneous.	Total.	Regular cases. Decided.	Investigated and returned with opinion.	Total.	Miscellaneous cases. Decided.	Investigated and returned with opinion.	Cases under Act 4 of 1840, investigated without opinion.	Total.	Total Cases decided and investigated. Decided.	Investigated and returned with opinion.	Cases under Act 4 of 1840 investigated without opinion.	Total.	Remaining on the 31st December, 1843. Regular.	Miscellaneous.	Total.	
257	591	848	44	173	217	381	169	27	577	425	342	27	794	9	14	23	

(Signed) H. J. F. BERKELEY, *Principal Sudder Ameen.*

Bareilly, 12th March, 1844.

(True Copy.)

(Signed) J. LEAN, *Officiating Judge.*

(True Copies.)

G. F. EDMONSTONE, *Register.*

APPENDIX F.

Notes recorded by Mr. Tayler, Judge of the Sudder Dewanny Adawlut, on Circuit, during the Season of 1843-1844.

The removal of the Court, from Allahabad, was considered to afford a favourable opportunity, for inspecting the records of the Zillahs of Allahabad, Futtehpoor, Banda, and Cawnpoor, and for examining the mode, in which the proceedings of the Moonsiffs Courts, in these Zillahs was conducted. In order to ascertain these points, I considered it would be sufficient to call for all the decided cases, and execution of decrees for any one month, which had been transmitted for record to the Judge's office, and to request that the Moonsiffs would wait upon me at the Sudder Station, with all their books, and with all original suits and execution of decrees, pending on their files beyond six months. A minute investigation into the character of each Moonsiff and his qualification for office can hardly be expected from the cursory manner in which the enquiry was necessarily conducted. The objects I had in view were, First, to ascertain whether the Moonsiffs had made themselves generally acquainted with the Regulations, and had observed the rules laid down for their guidance in the conduct and decision of suits in the Circular Order published in the Government Gazette, and, Secondly, to observe the working of the system, so that I might be enabled to bring to the notice of the Court any defects, which required remedial measures. The result of the enquiry is generally favorable to the Moonsiffs. No irregularity, requiring to be brought to the notice of the Court at large, was observed, one or two trifling ones were noticed and were pointed out for avoidance in future. The books, which the Moonsiffs are required to keep up, were complete and brought down to the latest period, and attention seems to have been paid by them in writing them out, so as to preserve them free from erasures and interpolations.

2. Many of the Moonsiffs have introduced the use of other books, than those required by the Court, and much unnecessarily detailed information is recorded in them. There is a great diversity in the forms of these books, and should the Court not deem it advisable to forbid the use of them altogether, it might be proper to restrict the use to those books, which the Moonsiffs may deem indispensable. Information might be called for from them in regard to the necessity of the forms, and relief in some manner afforded to their over-worked, and ill-paid establishment, by permitting the retention of those only, which the Moonsiffs can shew to be useful.

3. The result of the examination of the cases pending beyond six months, and the execution of decrees for the same period, was by no means favourable; for it clearly indicated, that the Moonsiffs had neglected to superintend their establishment of Native Officers; the delay in the preparation of suits for trial may be chiefly attributed to a want of method, in filing the papers, and to the absence of any rule for bringing forward cases for orders, when the parties have omitted to proceed with the suit. Suits in which the Vakeels themselves were inattentive to the orders issued to them by the Moonsiffs, were overlooked, and it appeared to have been only when the proceedings were brought before the Moonsiffs by some motion of the Vakeel of either party, that any progress was made in the suit. In many cases delay has been occasioned, by the Moonsiffs having granted unnecessarily long periods for the filing of exhibits and summoning of witnesses, and notwithstanding this indulgence, extension of time was permitted, without any cause having been shown for the delay in obeying the injunctions of the Court. Delay also occurred in the issue of summonses, and orders passed on the returns given in to processes: a further cause of delay arose from the parties being frequently allowed to bring their witnesses singly, instead of causing the attendance and examination of the whole number at once. This practice I regard as objectionable, for it may enable a fraudulent case to be more easily prepared, and presents greater difficulty of detection; the

witnesses, who have been examined, being in a position from their cross examination to instruct the remaining witnesses to shape their evidence to that already recorded. In some of the Moonsiffs' Courts no period was fixed, within which the parties were required to perform any particular act, and in these cases, of course it rested entirely with the parties, to proceed with their cases at their own convenience. It does not appear to me, that any delay in the execution of orders was brought to the notice of the Moonsiffs by their Serishtadars or other Officers, to whom the particular duty of superintending the preparing of the cases may have been assigned. Some excuse may be found for the Moonsiffs, in the very inadequate establishment allowed to them by Government, and I am satisfied, until a liberal allowance be granted, the Moonsiffs' Courts will not be as efficient as they might and would be, with an encreased and properly paid establishment. The number of suits, which a Moonsiff is obliged to decide in a month, need not occupy one half of the time allowed to him for exparte decisions; confession of judgment, and suits for the recovery of small debts, which form a very large proportion of the suits instituted, cannot require many hours of application to dispose of them; but it would be useless for the Moonsiff to proceed with the decision of suits, when his establishment cannot keep pace with his exertions. They have usually four Officers attached to their establishment, a Serishtadar, Peshkar, Muhafiz dufter and Decree Newees; at one of the Moonsiffees, the following was the rate of pay assigned to each Officer, Serishtadar 14, Peshkar 8, Decree Newees 5, Muhafiz dufter 3, the distribution of the allowance varies according to the opinion of each Moonsiff, but it cannot materially differ from the above.

4. When it is considered how very laborious must be the duty of each Officer, and the very inadequate pay which they receive, it is much to be feared, that they engage themselves under a knowledge that other sources are open to them, from whence they may draw a livelihood, and it cannot be expected that the Moonsiffs should be willing to listen to any complaint of exaction, which may be preferred against them.

5. The writing out and issuing of the summons and other processes of the Court is a very laborious undertaking; great relief would be afforded if the Moonsiffs were allowed to employ Nazirs. The Officer now engaged in this duty, would have more time for the other duties, which press very heavily upon the small authorized establishment. The number of copies of decrees is another serious demand on the exertions of the Officers; and it seems to me impossible that one man can find time to fulfil this duty, which I conclude is assigned to the decree Newees. Each decree must be written out at least three times, one copy is required for the Plaintiff, one for the defendant and one is kept with the record. Some of the Moonsiffs, I observe, keep a book in which they enter their decrees, making a total of 4 copies for each decision.

6. Supposing that only 25 decrees are passed, the writing out of 75 or 100 decrees in the month would be necessary, either as three or four copies were requisite. But even this is not all that is required, when application is made for the sale of landed property in the execution of decrees, a copy of the decree must be sent to the Collector. This last requirement is totally unnecessary; for what possible use can the Collector make of the information afforded him in furnishing him with copy of a decree, for instance in the case of a bond debt. The amount of the decree is all that it is requisite for him to know, in order to enable him to select lands for sale to meet the decree.

7. Another defect I observe in the proceedings of the Moonsiffs, is their proneness to give unnecessarily long decisions, and I would suggest that the Court should issue some instructions on the subject, explaining to them, what is more particularly required of them, in drawing up their decisions, and circulating the form of a decree for their future guidance. Another objectionable practice which prevails, is permitting the Vakeels to file absurdly long pleadings, and the introduction of matters totally irrelevant to the decision of the case.

8. The whole of the pleadings in the Moonsiff's Court, except the plaint being on plain paper, they are deprived of the check which exists in other Courts by the use of stamp paper, and it is essential to impress on the Moonsiffs, the absolute necessity of a strict vigilance over the pleaders, to prevent the introduction of extraneous matter. It may be difficult to prevent it altogether, but I did not observe any effort made to suppress the practice either by admonishing the Vakeels or by bringing their conduct to the notice of the Judge. The power of dismissal, which is vested in the Moonsiff, if exercised in one or two instances with discretion, would effectually check all disobedience to their orders, and compel the Vakeels to attend to their requisitions in future. A complaint was made to me by one of the Moonsiffs, that the Vakeels could not be brought into any kind of subjection, I suggested to him, should they continue to disregard his injunctions, that he should make an example of one or two of them, by dismissing them, giving a full explanation of his reasons, and enumerating the instances of inattention they had been guilty of, when doubtless the Judge would uphold his authority and sanction their removal.

9. I now proceed to submit my remarks on the state of the records and to offer a few observations on the Moonsiffs of each Zillah.

ALLAHABAD.

10. The records at Allahabad continue in the same excellent order, in which they have already been reported, and the facility afforded in the production of papers, which was tested by me, shews that every attention has been paid by the Judge to preserve the department in a most efficient state.

11. The Moonsiffs in this district are represented by the Judge to be industrious and intelligent men, well acquainted with their duties, and from the state, in which I found the records I examined, I should consider them deserving of the character bestowed on them.

FUTTEHPOOR.

12. The records in this district have not undergone any revision. The state of the Court-house and of the record room has already been brought to the notice of the Sudder, and it is only necessary for me to express my opinion in concurrence with that of the Judge in his letter of the 10th March, 1842, and of the Offg. Executive Engineer in his letter under date the 10th December 1841, on the unfitness of either, for the purposes to which they are applied, and the insecurity of the building used as a record room. The records are tied up in bundles and placed in Almirahs, instead of racks, and although the latter is the preferable plan of keeping records, when there is a substantial record room, it would not be advisable to disturb the present arrangement, unless the Government consent to the erection of a record room, which would afford protection from fire. Government would perhaps be unwilling to build a new Cutcherry, but the safety of the records being of great importance, a proposition for a record room might meet with compliance.

13. The records appear to be carefully looked after, and as no delay whatever is experienced in the production of any papers, it would be unnecessary to incur the great expense of taking lists of the records of former years and arranging them after the present plan. I suggested to the Judge, that the new plan should be introduced from the commencement of the present year.

14. The Moonsiff at the Sudder station is well reported of by the Judge, and appears to give satisfaction to the Native Community. The Moonsiff of Hutgaon is an old servant and mentioned to me his intention of applying for a pension, which has since been granted to him.

15. The Moonsiff of Jehanabad has fallen under the displeasure of the Court, for inattention to orders repeatedly issued to him, and I am therefore constrained to speak untavorably of him. No particular irregularity was observed in the proceedings of his cases, calling for remark. I would however observe, that where a Moonsiff may have selected an able and intelligent Officer for his Serishtadar, the preparation of the cases might proceed with regularity, and no indication of the incapability or inefficiency of the Moonsiff would be observable from an examination of them.

BANDA.

16. The records are preserved in a spacious room, fitted up with racks with every necessary convenience, and it is the best adapted for a record room of all those I inspected. The records are arranged, according to a plan long introduced in this district, and as it seems to answer fully the purpose designed, I would not recommend that Government should be applied to for any additional outlay for re-arranging the records, which in the case of the Banda district, from the large accumulation of records, would be a very heavy expense. In order that I might ascertain what degree of facility was given to the production of a record, I selected cases from the decisions and execution of decrees of former and later years, together with objections urged by parties to the execution of the decree, and they were immediately brought to me.

17. There are a great many apparently very useless records, which might be examined, if leisure could be obtained for this duty, and they might be destroyed should they be found worthless. The retention of them will not, however, interfere with the accommodation required for the future records, as the room is very spacious. Had it been otherwise, I would have suggested the propriety of directing that they should be examined, and the useful papers only preserved. With the establishment, attached to the Judge's office, much might be done in restoring them to order.

18. As in the case of Futtehpore, I recommended that the system in use in other Zillahs, should be entered on, from the beginning of this year. I had no opportunity of conversing with the Moonsiffs of Jelalpoor and Tirhoa, owing to the distance of these Moonsiffships from the station of Banda, and to some delay in the receipt of my letter mentioning the day I should arrive at Banda, which prevented sufficient notice being given to them to attend. Their proceedings were subjected to the same revision as those of the other Moonsiffs, and did not call for any special observation. The Moonsiff at Banda has served in that capacity for 5 years and is well instructed in his duty.

CAWNPOOR.

19. The progress made by the Judge in the arrangement of his records, has been reported by him, to the Court, and therefore no particular observation is called for. Further assistance will be required to complete the entire revision, which doubtless will be granted. The Judge has most creditably exerted himself, the classification and arrangement of the records having been carried out to the extent, which the means at his disposal, permitted. The room is a convenient one and the racks have been placed so, as to give most ample space, for the disposal of the records. In examining the books kept up in the Judge's office, I was surprised to find that their number was not less than 131, their particulars are specified in the margin.*

* 21 Books kept by Mahomed Alee, Nukee, Nazir.
18 „ by Ishree Pershaud, Mohurrir.
15 „ by Sadhoram, Return Navees.
7 „ by Gunga Pershaud, Register Navees.
23 „ by Bankey Roy, Jumah Khuruch Navees,
2 „ by Runglal, Decree Navees,
19 „ by Munrakhanlal, Mohurrir.
26 „ by Matapershaud, Offg. Mohafiz Dufter.

20. I requested the Judge to give me the heading of every book, in order, that the Court might consider, whether it would not be advisable to issue some general instructions on

the subject. Cawnpoor is not a solitary instance of the use of numerous books. In the Allahabad district many more are enjoined, than I should consider necessary, and though the number is far short of the Cawnpoor Judgeship, several might be dispensed with. It appears to me that much valuable time is unnecessarily consumed by such minute attention to detail, and that a better system might be introduced, having for its object, a check on the various officers, entrusted with the charge of separate departments. Lists of cases, under each of the Headings in Statement No. 2, would seem to provide for all that would be required in regard to the state of the Civil business pending in the Court. The more simple and concise the forms are framed, the greater portion of time will the Officers be enabled to dedicate to their other duties. Separate books are required for the Treasurer and Nazir, in order to afford a wholesome check in respect to the receipt and disposal of money or property entrusted to their charge. These, and the books, prescribed by Circular Orders, would be ample for all useful purposes.

21. The strength of the Native establishment has always been a subject of complaint, and it becomes matter for consideration, whether the Court should not exercise some interference to prevent the unprofitable use of the Native Officers of the Judge's establishment. I am unwilling to offer any decided opinion on the character of the Moonsiffs in this Zillah individually. I had no fault to find with their proceedings generally, and from the slight intercourse I had with them I would rather trust to the report of the Judge in respect to their qualifications, than venture an opinion, which must be founded on insufficient grounds. The quality of the decisions cannot fairly be estimated by the perusal of one month's decisions; for nearly the whole of these cases are of the most ordinary nature, comprising chiefly claims for debts on bonds, or book debts and loans without any written acknowledgment, exparte decisions and confessions of judgment. These do not generally involve any great exercise of judgment. The decision most frequently turns on the fact, whether the debt has been incurred or not, or the amount repaid, and no general principle of Law or knowledge of the Regulations is required to come to a just decision on the suits thus determined. It is surprising, how very small is the proportion of suits, connected with land, that come before the Moonsiffs' Courts. It would perhaps enable the Court to estimate the character of the decisions of the Moonsiffs with more accuracy, if the number of suits regarding the right to the possession of land was entered separately in the Monthly Statement, the number of appeals therefrom and the result of the appeals were kept distinct from the other cases adjudged. Since the introduction of Act III. of 1843 the Court have had the decisions of the Moonsiffs more immediately brought to their notice, and I doubt not, the knowledge that their suits may ultimately come before the Court in special appeal has had a beneficial effect, by compelling the Moonsiffs to give more attention to the preparation of their cases and to weigh more maturely the grounds of their decisions.

(Signed) B. TAYLER,
Judge,

[True Copy.]
G. F. EDMONSTONE,
Register,

Agra, the 1st July, 1844.

APPENDIX G.

Extract Paragraph 2d of Court's letter No. 994 dated 5th June 1844, *to the Judge of Futtehpoor*

2. The operations of Emadool Hussein, Moonsiff of Juhanabad, are as unfavorably represented in these returns, as usual, and the various reproofs, which have been administered

during the past year, have been productive of no improvement whatever; it appears, therefore, to the revising Judge, an obligation imposed upon him by his position, to give effect to the intentions expressed by him in the 3d paragraph of my letter No 295, dated 13th February last, by bringing before the Court at large, a specific proposition for the displacement of Emadool Hussein, and the substitution of a more active and efficient Officer. Before resorting to this extreme measure, the Court are willing to give to the said individual an opportunity of vindicating his conduct, and of exculpating himself from the habitual remissness, and inattention to the miscellaneous department of his duties, which has been so frequently imputed to him, and they request, that you will, in communicating to him the purport of this paragraph, forward at the same time translated extracts from all letters (in which his diligence, or conduct generally, is impugned) written on revision of the periodical statements, from the commencement of 1843 up to the present time, and require him to transmit, for ultimate submission to the Court at large, such explanation, both general and particular, as he may have to offer.

(True Extract.)

G. F. EDMONSTONE,

Register.

APPENDIX H.

Extract Paragraph 4 of a letter from Officiating Register Sudder Dewanny Adawlut, North Western Provinces, No. 1612 *dated 24th August* 1843, *to the address of Mr. A. Lang, Judge of Allahabad.*

Para. 4. With reference to the present unencumbered state of the Principal Sudder Ameen's files, the small amount of business ordinarily referred to him and the possibility under these circumstances of transferring to him all suits within the legal competency of a Sudder Ameen to decide, the Court are disposed to question the expediency of retaining in this district permanently, the services of the Sudder Ameen, now attached to your jurisdiction, and they deem the entire abolition of the office, or the removal of the incumbent to another Zillah, where additional judicial agency may be needed, a measure worthy of consideration. You will be pleased to give your attention to this suggestion, and to report, for the information of the Court, your sentiments in regard to the possibility of dispensing with the Sudder Ameen's aid.

(True Extract.)

G. F. EDMONSTONE,

Register.

(Copy.)

No. 66 of 1843.

FROM A. LANG, ESQUIRE,

Judge of Allahabad.

TO G. F. EDMONSTONE, ESQUIRE,

Offg. Register to the Court of Sudder Dewanny Adawlut, N. W. P.,

ALLAHABAD,

Dated 8th September, 1843.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 1612 of the 24th ultimo, and in reply to the query contained in the last paragraph, for my consideration and opinion, to

state, that with reference to the continued unencumbered state of the Principal Sudder Ameen's file, the small amount of business ordinarily referred to him, and the possibility consequently of transferring to him for decision all suits instituted in this Court within the legal competency of the Sudder Ameen to decide, I think the Court of the Sudder Ameen might, without any detriment to the public service, be abolished, provided that efficient Moonsiffs are retained in the city and Kydgunge Moonsiffees, otherwise, from an accumulation on their files, it becomes necessary to transfer a share of their business to the higher Courts to be disposed of; in fact it has only been by such transfers that the Sudder Ameen's file has been hitherto supplied. The present city Moonsiff, however, does not hold out the promise of allowing me the opportunity of making any more such transfers as far as his Court is concerned, and should an equally active and able Officer be appointed in the place of the Kydgunge Moonsiff lately recommended for Pension, it would not be possible in any way hereafter to supply both the Principal Sudder Ameen and Sudder Ameen with a fair proportion of business.

2. The Sudder Ameen is, however, also the Law Officer of this Court, and should he be removed, some other provision would have to be made on this account; it therefore becomes questionable, whether it would not be a better arrangement on the Kydgunge Moonsiff's vacating his appointment, to transfer his duties to the Sudder Ameen, making over to the Principal Sudder Ameen all suits hereafter instituted, under the Regulations transferable to the Sudder Ameen's Court; for though the Sudder Ameen is not an Officer, who stands very high in my opinion, he is a very old man, and removal to another district would be to him something very like banishment, his house, family, and estates (in the names of his sons) being in this zillah, in fact I should think that sooner than move he would resign the service. Perhaps it would be a good arrangement to Pension him; he has been in the Government employment 41 years, and his salary would suffice for the payment of his Pension, and Moonsiff and Law Officer's salaries.

I have the honor to be, &c.

(Signed) A. LANG,
Judge.

Dewanny Adawlut,
Zillah Allahabad,
The 8th Sept. 1843.

ABSTRACT.

In reply to No. 1612, dated 24th ultimo, in reply to the query contained in the last paragraph gives his opinion regarding the removal of the Sudder Ameen and abolishing the office.

(Copy.)
No. 1,930.

To A. LANG, ESQUIRE,
Judge of Allahabad.

SIR,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, and } Esquires.
F. Currie,
Judges.

(*) No. 66, dated 8th Sept. 1843.
No. 72, dated 26th Idem.
No. 73, dated 26th Idem.

I am directed to acknowledge the receipt of your several communications of the numbers and dates, entered in the margin,* and to convey to you the following instructions.

2. Syud Kuramut Alee, though a Judicial Officer of long standing, is not in the opinion of the Court eligible to promotion to the higher grade of Principal Sudder Ameen, having

attained to that advanced age, the infirmities attendant on which will, it is apprehended, disable him from discharging the important functions of such a station with the requisite energy and efficiency: his application, therefore, for preferment to the vacancy, which has lately occurred at Benares, must be understood to be negatived.

3. The Court concur with you in thinking, that the nomination of a successor to Syud Mahomed Tuckee, retired on a Pension, is under all the circumstances unnecessary, and that the reference of all suits legally cognizable by a Sudder Ameen, for trial and adjudication to the Principal Sudder Ameen, and the transference of the duties of the Kydgunge Moonsifee to Syud Kuramut Alee, will be a measure, both economical and expedient; your remarks impress the Court with a notion, that the calls upon him as Law Officer of your Court are infrequent, and not such as to interfere with a due attention to the duties, which will devolve upon him in his character of Moonsiff of Kydgunge.

4. On this understanding, the Court are pleased to confer upon Syud Kuramut Alee, in addition to his legal competency as Sudder Ameen, the powers of a Moonsiff within the Kydgunge jurisdiction, and desire me to transmit herewith a Sunnud, under the authority of which those powers will be exercised: the issue of this commission appears necessary in order to enable Syud Kuramut Alee, to receive suits that may be instituted before him, as Moonsiff, which as Sudder Ameen, he is not legally authorized to do. You will be pleased to deliver the accompanying Sunnud to Syud Kuramut Alee, and to make other subsidiary arrangements for the full execution of the measure, which may seem to you requisite.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Officiating Register.

Allahabad,
The 2d October, 1843.

ABSTRACT.

Directs that Syud Kuramut Alee, Sudder Ameen, be vested with the powers of a Moonsiff in Kydgunge jurisdiction, and encloses Sunnud to be delivered to him.

(True copies.)

G. F. EDMONSTONE,

Register.

APPENDIX I.

No. 68 of 1844.

FROM JUDGE OF GORUCKPORE,

To G. F. EDMONSTONE, ESQUIRE,

Register to the Sudder Dewanny Adawlut,

AGRA.

Sir,

In continuation of my report on the Civil administration of this district for the past year, No. 48, dated the 29th February last, I have now the honor to transmit the following statement shewing the average duration of each suit in the Offices of the Principal Sudder Ameen, the Sudder Ameen, and the Moonsiffs of this district.

STATEMENT *exhibiting the average duration of each regular and miscellaneous suit of Decree Execution in the offices of the Principal Sudder Ameen, Sudder Ameen, and Moonsiffs of the Goruckpore District in* 1843.

Names of Officers.	Description of cases.	No. of cases.	Total time of each case pending.		Average time pending.	
			Mos.	Days.	Mos.	Days.
Nubbee Yawur Khan, P. S. A.,	Regular Suits,.....	46	2816	20	8	10¼
	Decree Execution,..	344	1005	0	2	27½
Willyat Ally Khan, P. S. A.,..	Regular Suits,.....	26	260	13	10	½
	Decree Execution,..	71	265	18	3	22
Sudder Ameen,.....	Regular Suits,.....	216	1455	28	6	22
	Decree Execution,..	413	1389	21	3	10
Mehdee Husun,.....	Regular Suits,.....	383	1589	15	4	4½
Moonsiff of Captaingunj,.....	Decree Execution,..	125	420	14	3	11
Ditto of Bansee,.....	Regular Suits,.....	352	1205	15	3	12¾
	Decree Execution,..	171	614	4	3	18
Ditto of Khuleelabad,.....	Regular Suits,.....	310	1377	18	4	7½
	Decree Execution,...	107	482	11	4	15¼
Ditto of Bansgaon,.....	Regular Suits,.....	300	1077	0	3	18
	Decree Execution,..	131	782	1	5	30
Ditto of Munsoorgunj,.....	Regular Suits,.....	404	1456	7	3	18
	Decree Execution,..	180	502	17	2	24
Ditto of Purrownah,.....	Regular Suits,.....	442	2223	3	5	¾
	Decree Execution,..	217	733	12	3	11
Ditto of Belwah,.....	Regular Suits,.....	290	1762	3	6	2
	Decree Execution,..	195	1562	16	8	½
Ditto of Saylempore,.....	Regular Suits,.....	230	788	5	3	12¾
	Decree Execution,..	128	552	2	4	9¼
Ditto Caleepershad, ...	Regular Suits,.....	188	990	23½	5	8
	Decree Execution,..	104	229	14	2	6
Ditto Kureemooddeen, ...	Regular Suits,.....	374	1232	26	3	8¾
	Decree Execution,...	349	696	16	1	29½

Copies of this Statement, as also of that which accompanied my Annual Report exhibiting the result of the Moonsiff's decisions both in regular and miscellaneous cases, during the past year, have been forwarded to the Moonsiffs of this District for their information and with a view to stimulate them to greater exertion, and I have now only to observe in reference to the former, that the general average time during which each case was pending is not unfavorable, that cases, particularly those of Decree Execution, appear to have been most promptly disposed of by Moulvee Mahomed Kurreemooddeen, Moonsiff of the City, and that the business of the Belwah Mhowadeé Moonsiffee, although the file of that Officer is lighter than that of any other Moonsiff in this district, appears to have been got through with a culpable tardiness, which he has been called upon to explain.

Judge's Office,
ZILLAH GORUCKPORE,
The 4th April, 1844.

I have the honor to be, &c.,
(Signed) HENRY PIDCOCK,
Judge.

(True copy.)
G. F. EDMONSTONE,
Register.

APPENDIX J.

Extract paragraphs 3, 4, 5 *and* 6 *of a letter from Register to the Court of Sudder Dewanny Adawlut, North Western Provinces, No.* 829, *dated* 4*th May last, to the Judge of Goruckpoor.*

Para. 3. Both the suggestions contained in the 18th and 19th paragraphs, the one regarding the inadequacy of the sum allowed to Moonsiffs for defraying the expense of their ministerial establishments and the other, touching the expediency of legalizing the appointment of a Nazir in the Court of each Moonsiff, have been anticipated by the Court, and referred to the consideration of the proper authorities; your very pertinent remarks on both subjects have the entire concurrence of the Court.

4. I am desired also to communicate to you the Court's approval of the corrective measures alluded to in your 29th and 30th paragraphs; pre-payment of Tullubanah on the issue of Summons or other process is, as you observe, legally prescribed, and the mere apprehension of inconvenience and delay, you have justly considered insufficient, to warrant a deviation from the provisions of the Law cited.

The Court are surprised that a practice so contrary to law, and so conducive to the prevalence of great abuses, as the postponement of sales in execution of decree, beyond the day named in the proclamation, should have existed for so long a period without detection; the instructions issued by you appear fitted to meet the exigency, and to ensure the observance of due regularity in this respect.

5. In the 31st paragraph of your letter, you allude to the authority supposed to be conferred on Moonsiffs by Section 11, Regulation VII. of 1832, of issuing process for the realization of Vakeel's Fees, provided they do not exceed 5 per cent on the value of the claims; if it be your intention to advance, that they are competent to issue such process, *distinct* and *apart* from the process issued in execution of their own decrees, the Court dissent from your view, thinking that the terms of the Section cited, taken in connection with the provisions of Clause 4, Section 15, Regulation XXIII. of 1814, merely authorize the inclusion of Fees awarded in the final judgment, and their realization simultaneously with its execution; in other words, the realization of Vakeel's Fees, as awarded by Moonsiffs, must, in the opinion of the Court, form part and parcel of the execution, except in cases wherein the claim may be dismissed, and the defendant may move the Court for recovery of his costs, but as doubts are entertained on the point, and their solution seems desirable on many accounts, the Sudder Dewanny Adawlut in Calcutta will be consulted, and the result of the reference duly intimated to you.

6. Your Construction of Act XXX. of 1841, received the concurrence of the Court in my letter, No. 275, dated 8th February last.

[True Extract.]

G. F. EDMONSTONE,

Register.

APPENDIX K.

Extract paragraphs 6, 7, 8, *and* 9 *of Court's Letter, No.* 808, *dated* 3*rd May,* 1844, *to the Judge of Azimgurh.*

6. The question of Collusive Decrees, which formed the subject of comment in your last Report, and is revived in the 25th paragraph of that under consideration, has not escaped

the recollection of the Court, but it has been referred to the Legislative Council, and its final determination rests with that body: since the 16th June last, however, when the transmission of the correspondence on this momentous subject to the Legislative was intimated to the Court, no information concerning it has been communicated, and the Court will, therefore, take an early opportunity of soliciting the intercession of Government, for the furtherance of their views.

7. It is undeniable, that by the present system sufficient facilities are not afforded for the registration of deeds, which has, as you observe, become in a measure compulsory on all, "who respect the security of their purchases," but the practicability of the remedy, which you suggest, however desirable the adoption of it or some other analogous thereto may be, appears very questionable; it is probable that local Registrars, if appointed, would be amply remunerated by fees, and it would be a matter of little difficulty to find persons willing and competent to fulfil the objects of the Law, but the discretion and carefulness essential to this duty are rare among Native officials, who alone would be available, integrity is still more uncommon, and the supervision, of those entrusted at distant localities with this Registration, would be, to say the least, rather nominal, than real; entertaining these sentiments the Court cannot acquiesce in your recommendation, which would demand an alteration of Law, but they will bring your very pertinent observations in a prominent light to the notice of Government, in discussing the amelioration of the system of Registration, which is now under consideration.

8. Recent correspondence has passed on the subject adverted to in the 28th paragraph of your Report; the importance of securing a compendium of judicial precedents, accessible to all employed in the department, cannot be too highly estimated, and it is hoped, that the Court's representations may result in the provision of agency, adequate to the accomplishment of the end contemplated.

9. In various reports from different and distant Districts under the Control of this Court, the inefficiency, ignorance, and inexperience of the Pleaders practising in the Subordinate Courts, have been adverted to, and resort to an examination, preliminary to their admission, suggested; the Court, thus finding their own convictions affirmed by the testimony of local and competent witnesses, have under their serious consideration, the introduction of measures which shall secure a higher degree of respectability and acquirements on the part of Vakeels, and expect shortly to provide a remedy for evils, which are of extensive prevalence, and productive of no less extensive injury; the rescission, or modification, however, of Regulation XII. of 1833, which authorizes the employment of agents to plead in Civil actions, is necessarily prefatory to the introduction of the measures contemplated, and will form the subject of immediate consultation with the Sudder Dewanny Adawlut in Calcutta.

[True Extract.]

G. F. EDMONSTONE,

Register.

APPENDIX L.

Extract paragraph 7 of Court's letter, No. 771, dated 30th April, 1844, to the Judge of Benares.

7. There is yet another point in Mr. Campier's address, which is worthy of consideration, and the determination of which, will tend much to facilitate the dispatch of business, and obviate the frequent postponement of cases, owing to the absence of the authorized

Pleaders of the litigants; the Court are clearly of opinion, on a consideration of the Law, that it never contemplated the indiscriminate admission of Vakeels to practice in the Judge's, as well as the Principal Sudder Ameen's Courts; Section 72, Regulation XXIII. of 1814 declares that "the Judges of the several Zillahs and Cities shall *assign* to the Court of each Sudder Ameen such a number of the authorized Vakeels, as may appear necessary," Section 16, Regulation XXVII. of 1814 expressly enacts that "the Vakeels, attached to one Court, are not to be allowed to plead in any other Court," reserving an option to the Judge to make "such an *allotment* and *distribution* of the Pleaders attached to their Courts," as may from time to time appear convenient, and by Clause 3, Section 18, Regulation V. of 1831, the Judges are declared competent to "authorize" any of the Vakeels of their Courts to practice in the Court of the Principal Sudder Ameen: the whole train of legislation appears to be consistent in regarding the Vakeels of the Judge's Court as Vakeels also of the Principal Sudder Ameen's and Sudder Ameen's Courts, and in directing the separate *assignment* or *allotment* of a certain proportion of those Vakeels to the Courts of the Principal Sudder Ameens and Sudder Ameens; Mr. Campier's suggestion is certainly worthy of adoption, if its expediency only be regarded, and seems only consonant with the intent and rational construction of the Law, as it at present exists.

[True Extract.]

G. F. EDMONSTONE,
Register.

APPENDIX M.

Extract paragraph 2 of Court's Letter, No. 708, dated 24th April, 1844, to the Commissioner of Kumaon.

2. The question of position and authority, possessed by the senior assistants, relatively to the Commissioner of the Kumaon Province, as adverted to in the 14th and 15th paragraphs of your Report, seems to call for comment and instruction: Captain Huddleston has conceived erroneous opinions on this point, and has adduced in support of them arguments which, as you have successfully shewn in your observations, are quite untenable: there can be no question that it was no part of the intention of Government, in constituting the Judicial Agency of the Province, to place the Senior Assistant on an equality with the Commissioner, vested with the authority of controlling the operations of that agency of which he, the assistant, is a subordinate member, and yet such, as you observe, would be the result, to a considerable extent, of admitting the validity of Captain Huddleston's reasoning: he states two points, neither of which seem to have any near connection with the question at issue; although the Resolution of Government commits to the Senior Assistants, powers similar to those exercised by Collectors in the Regulation Provinces, yet from this fact the inference is not reasonably deducible, that his authority in Judicial matters is equivalent to that possessed by a Judge; the two departments are distinct, governed by different Laws and Rules, and administered by agency differently constituted, and empowered, and the Court are unable to discern the connection for which the Senior Assistant of Gurhwal would seem to contend. Another argument brought forward by the Senior Assistant of Gurhwal relates to the primary jurisdiction attaching to his Court, and as little justifies the conclusions, at which he has arrived, as the preceding, the futility of which has been exposed by yourself: as well might a Moonsiff of the Plains claim equality of position and power, with his immediate superior the Civil Judge, as Captain Huddleston assert his right on this ground, to privilege and authority similar to that, which you exercise,—the Court of a Moonsiff is no less a Court of first instance than that of the Senior Assistant, and the argument, if tenable at all, must be applicable equally to the former as the latter.

[True Extract.]

G. F. EDMONSTONE,
Register.

the Privy Council, the Amount of Costs incurred and recovered on account

13	14	15	
xpences how realized.	Party in possession of Property in Litigation.	Appeal how disposed of, and when.	
None realized.	In execution of Decree of the Sudder Dewanny Adawlut, the property passed into the hands of Plaintiff.	By a Decree of His Majesty in Council, dated 9th July, 1811, awarding possession of the Estate to Respondent, and so far confirming the Decree of the Sudder Court, but disallowing mesne profits in this suit and directing Plaintiff to take such measures as she might deem proper to recover the same; so far reversing the Sudder Decree.	
In issuing out the gment of the Privy ncil, one Sheosahawa hajun became surety the costs of both ies and shortly after money was paid.	The Estate passed first into the possession of Plaintiff in execution of the Decree of the Provincial Court, it next reverted to Defendant under the Sudder Decree.	The Decree of the Sudder Court was reversed and that of the Provincial Court upheld by His Majesty in Council, on the 7th February, 1835.	
Costs of Appellant 9 0 recovered by sale enement and chattels 4,800 rupees from proceeds of the Es- which appears to passed into Appel- 's hands. osts of Respondent. whole 307 2 6 rea- l by sale of property. e Costs were realized ecution of the judg- t of the Privy Coun-	Defendant Respondent continued in possession.	The Decree of the Sudder Court as regards the rejection of Plaintiff's title upheld and touching the acknowledgment of Defendant's right reversed by the Privy Council, on the 24th January, 1834.	The Decree is still in execution under the management of the Government Vukeel.
	The Sudder Decree was not put into execution.	The case was remanded by the Privy Council for further investigation, and was struck off the file on Default. Date of the order of the Privy Council, 5th March, 1834.	The Government Vukeel has not pointed out any property belonging to Appellant since the case was struck off the file on realization of the 5,175 3 10½.
ash paid in by the ies respectively on and.	Defendant remained in possession on giving Security.	The Sudder Decree confirmed by the Privy Council, on the 5th March, 1837.	
id on demand by parties respectively.	The Sudder Decree was not put into execution.	The Sudder Decree affirmed by the Privy Council on the 1st March, 1837, but before intelligence of the decision had reached this country the parties had entered into a compromise, which was acted upon and the judgment of the Privy Council was not enforced [vide 3rd and 4th Wm. IV. Cap. 41, Sec. 23.]	
.. .. ..	Possession given to Respondent in execution of decree.	Depending.	Papers sent to Government for transmission to England, on 23rd May, 1842.
.. .. ..	.. .. ..	Depending.	Under translation.
.. .. ..	.. .. ..	Depending.	A few papers on the file of the Appeal to England remain to be translated.

G. F. EDMONSTONE,

Register.

APPENDIX N.

Statement shewing the number of Appeals to England from decisions passed in cases arising in the North Western Provinces, the nature of the judgment of the Privy Council, the Amount of Costs incurred and recovered on account of the Hon'ble Company, and of Sundry other Particulars.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Number.	Appellants.	Respondents.	Matter in Litigation.	Value of property in litigation.	Amount of Security.	Charges incurred on account of Appellant.	Charges incurred on account of Respondent.	Amount realized on account of Appellant.	Amount realized on account of Respondent.	Balance due from Appellant.	Balance due from Respondent.	Expenses how realized.	Party in possession of Property in Litigation.	Appeal how disposed of, and when.	
C 197	Joseph Gross, Defendant	Khodijah Soultan Begum, Plaintiff.	Talooka Nakapoor and others.	1,03,712 8 0	5,000	There is nothing on record in this Court to show whether any and what charges were incurred either by the Lord Governor or the Hon'ble Court in England.	The remark in the preceding Column is applicable to this.	No demands appear ever to have been made and none have been realized. The Government Promissory Notes which were deposited as security for costs of appeal were returned to the appellant by an order dated 18th Febr. 1826.	The remark in the preceding Column applies to this.	.. ..	.. ..	None realized.	In execution of Decree of the Sudder Dewanny Adawlut, the property passed into the hands of Plaintiff.	By a Decree of His Majesty in Council, dated 8th July, 1841, awarding possession of the Estate to Respondent, and so far confirming the Decree of the Sudder Court, but disallowing mesne profits in this suit and directing Plaintiff to take such measures as she might deem proper to recover the same; so far reversing the Sudder Decree.	
C 670	Lal Dhurukal Sing, Plaintiff.	Lal Roodurpurtaub Sing, Defendant.	Talooka Deyn.	80,000 0 0	5,000	6,908 9 11	6275 3 11	6,903 9 11	6,272 3 11	.. ..	.. ..	On wasing out the judgment of the Privy Council, one Shewchuran Mudajun became surety for the costs of both parties and shortly after the money was paid.	The Estate passed first into the possession of Plaintiff in execution of the Decree of the Privy Council, it next returned to Defendant under the Sudder Decree.	The Decree of the Sudder Court was reversed and that of the Privy Council upheld by His Majesty in Council, on the 7th February, 1835.	
C 1226	Rajah Hemeerchul Sing, Plaintiff.	Rance Bhuthoreea and on her death Koowur Gooneeaun Sing.	Talooka Feroo Kullan, comprising 37 Mouzahs and 2 Hawelas.	62,000 0 0	5,000	13,721 8 10	11,927 5 41	5,320 9 0	207 2 6	8,410 15 10	11,820 2 10½	Costs of Appellant 5,320 9 0 recovered by sale of interest and shares and 4,400 rupees from the proceeds of the Estate which appears to have passed into Appellant's hands. Costs of Respondent The whole 207 2 6 was realized by sale of property.	Defendant Respondent continued in possession.	The Decree of the Sudder Court as regards the rejection of Plaintiff's claim upheld and sanctioning the acknowledgment of Defendant's right reversed by the Privy Council, on the 24th January, 1834.	The Decree is still in execution under the management of the Government Vakeel.
C 1897	Baboo Bauthoora Lal, Mookhtar of Moulvi Sehaz and Ramee Sehaz, Defendants.	Hurkhishen Dass, Plaintiff.	Money on Account.	63,550 0 0	5,000	8,754 12 9	7,851 6 3	8,178 2 10½	7,851 6 9	5,599 8 0	.. ..	The Costs were realized in execution of the judgment of the Privy Council.	The Sudder Decree was not yet into execution.	The case was remanded by the Privy Council for further investigation, and was struck off the file on Default. Date of the order of the Privy Council, 8th March, 1834.	The Government Vakeel has not pointed out any property belonging to Appellant since the case was struck off the file on realization of the 8,178 2 10½
C 1723	Baboo Ulnack Sing, Defendant.	Baneeyershad, Plaintiff.	Money on Account.	1,71,589 2 6	5,000	3,300 3 7	7,147 11 0	3,300 3 7	7,147 11 0	.. ..	.. ..	Cash paid in by the parties respectively on demand.	Defendant restored to possession on giving Security.	The Sudder Decree confirmed by the Privy Council, on the 5th March, 1837.	
C 2107	Moulvee Abdoollah and others, Defendants.	Baboo Moran Chund, Plaintiff.	Money on Account.	54,000 12 3	5,000	7,658 3 9	6,799 5 3	7,658 3 9	6,799 5 3	.. ..	.. ..	Paid on demand by the parties respectively.	The Sudder Decree was not yet into execution.	The Sudder Decree affirmed by the Privy Council on the 1st March, 1837, but before intelligence of the decision had reached this country the parties had entered into a compromise, which was acted upon and the judgment of the Privy Council was not enforced. (Vide 3rd and 4th Wm. IV. Cap. 41, Sec. 23.)		
W 329	Ruwunpershad, Defendant.	Radha Seeben, Plaintiff.	Inheritance.	1,06,150 0 0	10,000	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	Possession given to Respondent in execution of decree.	Depending.	Papers sent to Government for transmission to England, on 23rd May, 1842.
W 482	Baboo Begum alias Khoosi Mehal, Defendant.	Roshun Ali Khan and others, Plaintiffs.	Stipend bequeathed by conveyatory Will.	49,000 0 0	25,000	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	Depending.	Under translation.
W 2258	J. R. Douglas, Mookhtar on the part of Government Executors to the Estate of Baboo Dykishen Dass.	Collector of Bareilly and sheikh Ghulam Mohammad.	Sale proceeds of landed Estates obliged under a Mortgage.	99,000 0 0	25,000	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	Depending.	A few papers on the file of the Appeal to England remain to be translated.

G. F. EDMONSTONE,
Register.

No. 1.

Report of Causes pending on the 1st January, 1844, and of the number admitted and disposed of during the year 1843, in the several Civil Courts in the North Western Provinces.

N. B.—The figures in black-ink indicate Original Suits and those in red-ink in the right hand Columns, Appeals.

1	2		3		4		5		6		7		8		9		10		11		12		13		14		15		16		17		18		19		20		21	
	Pending on the 1st of January, 1843.		Instituted during the year.		Remanded for Re-trial during the year.		Total.		Transferred to other Courts.		Remaining for Trial.		Decided on Trial.										Finally Disposed of										Pending at the end of the year.		Increase.		Decrease.	
													For Plaintiff or Appellant.				For Defendant or Respondent.																			
													On their Merits.		Remanded for re-trial		Total.		On their merits after Summoning Respondent.		Without Summoning Respondent under Clause 3, Section 16, Regulation V. 1831, Section 3, Regulation IX. 1831, and Act VII. 1839.		On perusal of the Petition of Appeal and the Decree of the Lower Court.		On perusal of the Petition of Appeal and Record.		Total.		Total of cases decided on Trial.		Dismissed on Default.		Adjusted or Withdrawn.		Total of every description finally disposed of.					
	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.
Delhie	351	87	5553	436	1404	248	7908	771	1768	345	6140	426	3461	183	0	0	3461	170	401	232	0	0	0	0	401	243	2862	475	408	14	2371	14	3841	475	439	60	0	0	32	0
Saharunpore	1340	87	4738	346	307	1	6385	390	284	0	6081	390	2047	64	0	0	2047	73	454	56	0	0	11	454	154	2501	301	215	19	2085	19	4799	376	1282	158	0	0	58	0
Meerut	1632	246	5265	285	297	205	7294	877	341	200	6953	670	2639	129	0	0	2639	165	374	190	0	0	119	374	343	3013	314	652	23	1805	12	5468	473	1485	203	0	0	147	0
Allyghur	875	184	3276	241	0	0	4151	425	279	0	3872	425	1777	101	0	0	1777	101	194	87	0	0	0	194	243	2020	188	1652	66	1672	66	3672	320	634	119	0	0	31	0
Muradabad	1367	473	6173	626	821	378	8361	2231	788	815	7573	1416	3086	403	0	0	3086	403	582	456	0	0	0	582	915	3768	1037	411	90	1607	20	5786	1122	1787	203	420	0	0	0
Bareilly	1349	198	5785	588	3478	218	10612	873	2437	218	7346	654	3032	126	0	0	3032	126	605	188	0	0	0	605	314	3637	442	538	29	1416	0	5591	1055	1755	113	213	0	0	0
Agra	1000	67	3700	255	0	0	4700	322	1707	160	2993	162	1561	91	0	0	1561	91	312	54	0	0	0	312	145	1873	236	511	0	923	0	2907	381	1086	33	0	0	93	0
Furruckabad	594	73	3186	293	235	9	4115	375	366	0	3729	367	1850	85	0	0	1850	131	254	120	0	0	0	254	251	2104	351	355	0	822	75	2961	426	1154	0	125	0	0	0
Mynpoorie	627	103	1774	200	113	127	2313	473	74	121	2238	304	997	74	0	0	997	98	140	42	0	0	0	140	119	1137	208	736	0	526	0	1873	208	367	13	0	0	69	0
Cawnpore	1044	184	1759	205	358	125	3525	514	320	113	3202	387	1089	125	0	0	1089	145	290	110	0	0	0	290	145	1589	255	707	33	386	0	2982	288	543	111	0	0	157	0
Futtehpore	885	76	945	248	168	12	1316	336	93	0	1223	336	687	63	0	0	687	63	105	40	0	0	0	105	79	792	103	0	0	306	0	1047	103	176	47	0	0	89	0
Bundelcund	171	113	1324	213	106	127	1805	453	86	126	1719	327	619	76	0	0	619	76	167	91	0	0	0	167	167	786	134	109	15	411	80	1326	226	185	88	18	0	0	0
Allahabad	1100	76	2376	47	0	0	3476	123	615	0	2861	123	1728	105	0	0	1728	105	178	51	0	0	0	178	156	2012	156	0	0	454	0	2466	156	395	24	0	0	270	0
Gorukopore	1478	93	4105	378	497	79	6080	550	370	237	5473	313	2578	205	0	0	2578	205	660	63	0	0	0	660	268	3238	299	234	31	559	15	4311	345	1337	167	0	0	149	0
Azimgurh	804	246	1463	344	791	121	3058	711	718	110	2370	708	816	115	0	0	816	115	262	149	0	0	0	262	264	1079	403	317	20	180	0	1576	435	794	271	0	0	50	0
Juanpore	1000	76	1407	408	1003	223	3410	707	1016	320	2394	387	1096	135	0	0	1096	135	299	47	0	0	0	299	182	1395	182	0	0	249	0	1644	182	650	205	0	0	750	0
Mirzapore	1000	76	1407	408	1003	223	1648	324	185	0	1463	324	626	37	0	0	626	84	297	103	0	0	0	297	103	923	187	0	0	37	0	1101	187	362	137	0	0	362	0
Benares	1146	93	1653	261	578	205	3380	559	485	153	2895	453	1184	90	0	0	1184	90	530	97	0	0	0	530	104	1784	237	117	12	224	0	2369	252	626	211	0	0	518	0
Ghazeepore	906	258	2700	255	888	204	4494	717	947	203	3647	514	1775	191	0	0	1775	209	507	107	0	0	0	507	316	2282	525	0	0	345	0	2627	525	755	209	0	0	121	18
Total	19991	3395	97625	8997	12924	3488	86579	13815	12261	3425	74318	10367	32308	3201	0	456	32309	3729	6904	2093	0	0	1216	6904	4097	30212	6815	6536	432	14940	210	59006	7589	14510	2799	0	0	1470	582
Kumaon	2120	126	8814	556	7376	170	18916	852	7359	142	10651	703	996	77	0	27	996	104	208	102	0	0	81	208	183	1204	286	6372	0	176	0	7752	286	1423	117	0	0	597	0
Sehathoo	1	0	522	21	0	0	523	21	0	0	523	21	552	22	0	0	552	22	170	1	0	0	0	170	23	722	23	0	0	195	0	917	23	28	1	0	0	2	1
Grand Total	22140	3521	106711	9553	20300	3658	106413	14673	19620	3567	83321	11173	33474	3279	0	483	33474	3955	7281	2270	0	0	1297	7281	4303	32138	7124	12908	432	15311	496	67675	7898	15961	2917	0	0	2069	583

Sudder Dewanny Adawlut, North Western Provinces, Agra the 15th July, 1844.

G. F. Edmonstone, *Register.*

No. 1, Part 2.

Statement of the operations of the Civil Courts in the North Western Provinces classified with reference to the several grades of Officers.

1	2		3		4		5		6		7		8		9		10		11		12		13		14		15		16		17		18		19		20		21	
													Finally disposed of																											
													Decided on Trial.																											
													For Plaintiff or Appellant.						For Defendant or Respondent.																					
	Pending on the 1st January, 1843.		Instituted during the year.		Received by transfer during the year.		Total.		Transferred to other Courts.		Remaining for Trial.		On their Merits.		Remanded for retrial.		Total.		On their Merits after Summoning Respondent.		Without Summoning Respondent under Clause 3, Section 16, Regulation V. 1831, Section 2, Regulation IX. 1831, and Act VII. 1838.				Total.		Total of Cases decided on Trial.		Dismissed on Default.		Adjusted or withdrawn.		Total of every description finally disposed of.		Pending at the end of the year.		Increase.		Decrease.	
																					On perusal of the petition of Appeal and Decree of the Lower Court.		On perusal of petition of Appeal and Record.																	
	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.
19 Judges and 2 Additional Judges.	17	[illegible]	5063	[illegible]	1901	[illegible]	6981	[illegible]	6939	[illegible]	42	[illegible]	9	[illegible]	..	[illegible]	9	[illegible]	7	[illegible]	..	[illegible]	..	[illegible]	7	[illegible]	18	[illegible]	5	[illegible]	10	[illegible]	31	[illegible]	11	[illegible]	..	[illegible]	6	[illegible]
22 Principal Sudder Amoens	1390	[illegible]	8	[illegible]	2739	[illegible]	4157	[illegible]	208	[illegible]	3949	[illegible]	1546	[illegible]	..	[illegible]	1546	[illegible]	585	[illegible]	..	[illegible]	..	[illegible]	585	[illegible]	2131	[illegible]	303	[illegible]	351	[illegible]	2783	[illegible]	1164	[illegible]	..	[illegible]	226	[illegible]
45 Sudder Amoens	1062	[illegible]	1327	[illegible]	3218	[illegible]	5607	[illegible]	385	[illegible]	5222	[illegible]	2253	[illegible]	..	[illegible]	2253	[illegible]	709	[illegible]	..	[illegible]	..	[illegible]	709	[illegible]	2962	[illegible]	352	[illegible]	795	[illegible]	4109	[illegible]	1113	[illegible]	51	[illegible]	..	[illegible]
102 Moonsiffs	13511	[illegible]	51277	[illegible]	5046	[illegible]	69834	[illegible]	4729	[illegible]	65105	[illegible]	28500	[illegible]	..	[illegible]	28500	[illegible]	5603	[illegible]	..	[illegible]	..	[illegible]	5603	[illegible]	34103	[illegible]	4996	[illegible]	13784	[illegible]	52883	[illegible]	12222	[illegible]	..	[illegible]	1289	[illegible]
Total	15980	[illegible]	57670	[illegible]	12924	[illegible]	86579	[illegible]	12261	[illegible]	74318	[illegible]	32308	[illegible]	..	[illegible]	32308	[illegible]	6904	[illegible]	..	[illegible]	..	[illegible]	6904	[illegible]	39212	[illegible]	5656	[illegible]	14940	[illegible]	59808	[illegible]	14510	[illegible]	..	[illegible]	1470	[illegible]
Kurseen & Sudder Amoens: 1 Commissioner	2	[illegible]	453	[illegible]	16	[illegible]	471	[illegible]	97	[illegible]	374	[illegible]	77	[illegible]	..	[illegible]	77	[illegible]	31	[illegible]	..	[illegible]	..	[illegible]	31	[illegible]	98	[illegible]	156	[illegible]	120	[illegible]	374	[illegible]	..	[illegible]	..	[illegible]	2	[illegible]
1 Sub-Commissioner	..	[illegible]	2	[illegible]	..	[illegible]	2	[illegible]	..	[illegible]	2	[illegible]	..	[illegible]	..	[illegible]	..	[illegible]	0	[illegible]	..	[illegible]	..	[illegible]	..	[illegible]	..	[illegible]	1	[illegible]	..	[illegible]	1	[illegible]	1	[illegible]	..	[illegible]	..	[illegible]
2 Senior Assistants	379	[illegible]	7753	[illegible]	336	[illegible]	8470	[illegible]	6593	[illegible]	1877	[illegible]	146	[illegible]	..	[illegible]	146	[illegible]	88	[illegible]	..	[illegible]	..	[illegible]	88	[illegible]	234	[illegible]	1211	[illegible]	304	[illegible]	1749	[illegible]	128	[illegible]	..	[illegible]	251	[illegible]
1 Junior Assistant	292	[illegible]	308	[illegible]	918	[illegible]	1519	[illegible]	209	[illegible]	1310	[illegible]	127	[illegible]	..	[illegible]	127	[illegible]	44	[illegible]	..	[illegible]	..	[illegible]	44	[illegible]	171	[illegible]	840	[illegible]	65	[illegible]	1082	[illegible]	228	[illegible]	..	[illegible]	64	[illegible]
3 Sudder Amoens	616	[illegible]	520	[illegible]	2640	[illegible]	3776	[illegible]	66	[illegible]	3710	[illegible]	440	[illegible]	..	[illegible]	440	[illegible]	132	[illegible]	..	[illegible]	..	[illegible]	132	[illegible]	572	[illegible]	2148	[illegible]	444	[illegible]	3164	[illegible]	546	[illegible]	..	[illegible]	70	[illegible]
2 Moonsiffs	861	[illegible]	..	[illegible]	3862	[illegible]	4224	[illegible]	394	[illegible]	3930	[illegible]	376	[illegible]	..	[illegible]	376	[illegible]	52	[illegible]	..	[illegible]	..	[illegible]	52	[illegible]	428	[illegible]	2461	[illegible]	493	[illegible]	3382	[illegible]	548	[illegible]	..	[illegible]	313	[illegible]
Grand Total	18130	[illegible]	66711	[illegible]	20300	[illegible]	105141	[illegible]	19690	[illegible]	85591	[illegible]	33474	[illegible]	..	[illegible]	33474	[illegible]	7241	[illegible]	..	[illegible]	..	[illegible]	7241	[illegible]	40715	[illegible]	12479	[illegible]	16306	[illegible]	69560	[illegible]	15861	[illegible]	..	[illegible]	2169	[illegible]

Sudder Dewanny Adawlut, North Western Provinces, Agra the 13th July, 1844.

G. F. Edmonstone,

Register.

No. 2.

Abstract Statement shewing the years in which were originally instituted Regular Suits and Appeals depending before the Sudder Dewanny Adawlut, the Judges, Principal Sudder Ameens, Sudder Ameens and Moonsiffs in the North Western Provinces, on the 1st of January, 1844.

	1833.		1837.		1838.		1839.		1840.		1841.		1842.		1843.		Total.	
Sudder Dewanny Adawlut, North Western Provinces..	0	0	0	0	0	0	0	0	0	0	0	1	0	7	0	112	0	120
Regulation Provinces.....	1	0	1	0	1	1	6	3	7	0	22	5	87	47	14385	2743	14510	2799
Hill Provinces.....	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1449	198	1451	198
Total.....	1	0	1	0	1	1	6	3	7	0	22	6	89	54	15834	3053	15961	3117

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut,
North Western Provinces.
Agra, the 13th July, 1844.

No. 3.

Statement shewing the period which would elapse before the decisions of the Regular Suits depending on the 1st January 1844, if calculated according to the total number disposed of in the several Courts in the North Western Provinces, during the year 1843.

	Depending on the 1st January 1844.	Disposed of during the year 1843.	Average period which would elapse before the decisions of the number of Suits depending in each Court according to the foregoing Statement of the number disposed of in the past year.
Sudder Dewanny Adawlut.....	120	173	8. 323 Months.
Zillah Judges,.....	2298	4836	5. 702 Months.
Principal Sudder Ameens,..... ..	1676	5868	3. 427 Months.
Sudder Ameens,.....	1113	4109	3. 250 Months.
Moonsiffs,.....	12222	52883	2. 773 Months.
Total,	17429	67869	3. 081 Months.
Kumaon,.....	1620	9796	1. 984 Months,
Subathoo,.....	29	546	. 637 Months.
Total	19078	78211	2. 927 Months.

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut,
North Western Provinces.
Agra the 13*th July* 1844.

No. 4.

Statement shewing the Total Value or amount of Regular Suits whether Original or in Appeal depending in the Several Civil Courts in the North Western Provinces on the 1st January, 1844.

	ORIGINAL SUITS.					APPEALS.			
	Judges.	Principal Sudder Ameens.	Sudder Ameens.	Moonsiffs.	Total.	Judges.	Principal Sudder Ameens	Total	Grand Total.
	Total Value of Cases pending at the close of 1843.	Total Value of Cases pending at the close of 1843.	Total Value of Cases pending at the close of 1843.	Total Value of Cases pending at the close of 1843.	Total Value of Cases pending at the close of 1843.	Total Value of Cases pending at the close of 1843.	Total Value of Cases pending at the close of 1843.	Total Value of Cases pending at the close of 1843.	Total Value of Cases pending at the close of 1843.
Sudder Dy. Adt. N. W P.	0	0	0	0	0	0	0	1535742	1535742
Delhi,	0	338897	11006	23688	373591	23011	1445	24456	398047
Saharunpore	0	80678	0	77442	158120	42918	0	42918	201038
Meerut,	0	155168	52369	99114	306651	65931	7061	72992	379643
Allygurh,	216	236971	0	34037	271224	51421	1519	52940	324164
Moradabad,	22683	48160	34387	79362	184592	66770	10807	77577	262169
Bareilly,	4998	290324	72107	86872	454301	18897	2482	21479	475780
Agra,	0	85239	11444	25091	71774	10003	0	10003	81777
Furruckabad,	0	23714	0	22636	46350	13892	0	13892	60242
Mynpooree,	360	32637	0	18787	51774	49362	299	49661	101435
Cawnpore,	0	198811	20317	19347	238475	63296	5006	68302	306777
Futtehpore,	0	21568	0	10366	31934	13072	0	13072	45006
Bundelkund,	0	11886	0	12611	24497	31519	1414	32933	57430
Allahabad,	0	168863	7540	66957	243360	8091	0	8091	251451
Goruckpore,	0	73578	34752	59082	167412	69962	12940	82902	250314
Azimgurh,	327	153090	47454	36164	237035	79282	121	79403	316438
Jounpore,	0	232960	110056	28756	371772	33956	2727	36683	408455
Mirzapore,	0	213243	0	19463	232706	17871	0	17871	250577
Benares,	364403	1262739	0	39255	1666397	64454	7097	71551	1737948
Ghazeepore,	0	1411744	28098	39171	1479013	106557	6855	113412	1592425
Total.—	392977	4990270	429530	798201	6610978	830365	59773	2425880	9036858
	Commr.	Sr. & Jr. Assts.					Sr. & Jr. Assts. & S. Ams.		
Kumaon,	0	27912	17963	9598	55473	8941	3746	12687	68160
Subathoo,	1265	0	5175	0	6440	34	0	34	6474
Grand Total.—	394242	5018182	452668	807799	6672391	839340	63519	2438601	9111492
Deduct Sudr. Dy. Adawlut, N. W. Provinces.	0	0	0	0	0	0	0	1535742	1535742
Zillah and City Judges and Commr. Kumaon.—	394242	5018182	452668	807799	6672891	839340	63519	902859	7575750

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut, North Western Provinces. Agra the 13th July 1844.

No. 5.

Abstract Statement required by the Government Resolution under date the 19th May, 1825.

	Delhie.	Saharunpore.	Meerut.	Allygurh.	Moradabad.	Bareilly.	Agra.	Furruckabad.	Mynpooree.	Cawnpore.	Futtehpore.	Bundelkund.	Allahabad.	Goruckpore.	Azimgurh.	Jounpore.	Mirzapore.	Benares.	Ghazeepore.	Kumaon.	Subathoo.	Total.
Abstract Statement of Regular Suits instituted in 1843, with the view of setting aside Summary Suits.. ..	7	8	61	37	21	39	0	11	37	5	2	50	26	68	51	56	0	25	41	0	0	545
Number of cases which the Moonsiffs were precluded from receiving in consequence of the claim being advanced in formâ pauperis.	1	4	2	0	0	0	0	2	0	1	0	0	2	1	0	0	0	0	0	0	0	13

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut, North Western Provinces. Agra the 13th July, 1844.

No. 6.

General Abstract Report of Appeals depending before the Court of Sudder Dewanny Adawlut, North Western Provinces, on the 1st January, 1844, and of the number admitted and disposed of in the year 1843.

	Depending on 1st January, 1843.	Admitted in the last 12 Months.	Total.	Decided on Trial.				Dismissed on Default.	Adjusted or withdrawn.	Total.	Depending on 1st January, 1844.	Increase.	Decrease.
				Confirmed.	Reversed.	Modified.	Remanded for retrial.						
Regular Appeals...	72	113	185	35	16	14	19	3	5	92	93	21	0
Special Appeals....	41	67	108	20	16	10	32	3	0	81	27	0	14
Total 1843...	113	180	293	55	32	24	51	6	5	173	120	7	0
1842...	139	156	295	68	32	20	45	8	9	182	113	0	26
Increase...	26	0	2	0	0	0	0	2	4	9	0	0	0
Decrease...	0	24	0	13	0	4	6	0	0	0	7	0	0

Specification of the Value of Appeals Regular and Special depending before the Court of Sudder Dewanny Adawlut, North Western Provinces, on the 1st January, 1844.

Memorandum shewing the number of cases finally disposed of and opinions not being final judgments recorded by the several Judges of the Sudder Dewanny Adawlut in 1843.

FINAL JUDGMENT.

	Regular.	*Special.*	*Opinions.*	*Total.*
Mr. Tayler.....	47	35	12	94
Mr. Thompson.. ..	44	48	5	97
Mr. Currie....	57	45	20	122
Mr. Thomas..	1	0	0	1
Calcutta Court	2	0	2	4
Total.....	151	128	39	318

Amount Value of 173 Cases decided during the year 17,86,505.

		Amt. or
Not exceeding Rs. 300	12	Value 1910
,, ,, 1,000	8	,, 5349
,, ,, 5,000	26	,, 72044
,, ,, 10,000	38	,, 302923
Exedg. 10,000	36	,, 1153516
Total.....	120	1535742

S. D. A. N. W. P.
Agra, the 13th July, 1844.

G. F. EDMONSTONE,
Register.

No. 7.

Statement of Civil Suits tried with the Assistance of Natives under Regulation VI. of 1832, during the year 1843.

Zillahs.	Suits tried with the Assistance of a Punchayet.			Suits tried with the Assistance of Assessors.			Suits tried with the Assistance of a Jury.		
	Number decided in accordance with the award of the Punchayet.	Number decided contrary to the award of the Punchayut.	Total.	Number decided in accordance with the award of the Assessors.	Number decided contrary to the award of the Assessors.	Total.	Number decided in accordance with the Verdict of the Jury.	Number decided contrary to the Verdict of the Jury.	Total.
Delhie, ...	0	0	0	0	0	0	0	0	0
Saharunpore, ..	14	0	14	0	0	0	0	0	0
Meerut, ...	5	0	5	0	0	0	0	0	0
Allygurh, ...	0	0	0	2	0	2	0	0	0
Moradabad, ..	0	0	0	0	0	0	1	0	1
Barelly, ...	0	0	0	0	0	0	0	0	0
Agra, ...	0	0	0	0	0	0	0	0	0
Furruckabad,..	1	0	1	2	0	2	78	5	83
Mynpooree, ..	0	0	0	0	0	0	0	0	0
Cawnpore, ...	0	0	0	0	0	0	13	1	14
Futtehpore, ..	0	0	0	0	0	0	0	0	0
Bundelkund, ...	0	0	0	0	0	0	0	0	0
Allahabad, ...	9	0	9	19	2	21	1	0	1
Goruckpore, ..	0	0	0	0	0	0	0	0	0
Azimgurh, ...	1	0	1	1	0	1	0	0	0
Jounpore, ...	4	1	5	1	0	1	1	0	1
Mirzapore,....	0	0	0	0	0	0	0	0	0
Benares,.....	0	0	0	1	0	1	0	0	0
Ghazeepore, ..	1	0	1	0	0	0	0	0	0
Total.	35	1	36	26	2	28	94	6	100
Kumaon, ...	43	0	43	8	1	9	1	0	1
Subathoo, ...	0	0	0	2	0	2	0	0	0
Grand Total. ..	78	1	79	36	3	39	95	6	101

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S. D. A. N. W. P.
Agra, the 13th July, 1844.

No. 8.

Statement of Unexecuted Decrees pending in the several Zillahs of the North Western Provinces on the 1st January, 1844.

Zillahs.	Before the Judges.	Before the P. S. Ameens.	Before the S. Ameens.	Before the Moonsiffs.	Total of Unexecuted Decrees.
Delhie, ...	4	44	29	274	351
Saharunpore,..	7	92	0	903	1002
Meerut,.....	1	90	103	681	875
Allygurh, ...	20	249	0	610	879
Moradabad, ..	0	11	79	954	1044
Barelly, ...	2	57	154	946	1159
Agra, ...	14	37	35	537	623
Furruckabad,..	3	78	0	446	527
Mynpooree,	2	36	0	292	330
Cawnpore,....	2	140	126	261	529
Futtehpore, ..	15	81	0	239	335
Bundelkund,..	3	64	0	140	207
Allahabad,....	0	99	174	555	828
Goruckpore, ..	8	46	111	678	843
Azimgurh,....	11	78	129	223	441
Jounpore, ...	0	71	52	366	489
Mirzapore,....	9	125	0	147	281
Benares,.....	41	210	0	428	679
Ghazeepore,..	17	49	123	448	637
Total.....	159 Comr.	1657 Sen. & Jr. Asst.	1115	9128	12059
Kumaon, ...	1	140	40	0	181
Subathoo, ...	3	0	0	0	3
Grand Total...	163	1797	1155	9128	12243

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S. D. A. N. W. P.
Agra, the 13*th July,* 1844.

No. 9.

Statement of the different descriptions of Original Suits instituted before the several Judges and Moonsiffs, in the N. W. Provinces, during the year 1843.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Zillahs.	Suits connected with land interest.	Suits for real property on conveyance, by Sale.	Suits for real property on conveyance, by Gift.	Suits for real property on conveyance, by Mortgage.	Suits for real property on conveyance, by Will.	Suits for real property on conveyance, by Dowry.	Suits for real property on right of pre-emption.	Inheritance under the Mahomedan Law.	Inheritance under the Hindoo Law.	Claims in right of adoption.	Lakhiraj suits under Section 30, Regn. II, 1819.	Suits regarding Puttee and other dependant tenures.	Suits to contest sales by Collectors for arrears of Govt. dues.	Suits for Land not before included, such as Boundary suits, &c.	Debts on Bond or otherwise.	Suits of Bankers or Traders.	Religious suits connected with caste, rights of Priests, &c.	Damages for Breach of Contract.	For recovery of money embezzled.	Wages.	Suits connected with Indigo, Sugar, Silk, and other staple products.	Suits for personal property not before included.	Remarks.
Delhie,	104	73	1	22	1	5	4	37	43	0	5	2	2	32	2033	2874	19	0	0	51	53	192	
Saharunpore,	109	74	0	44	0	0	10	63	64	0	0	0	5	1	4028	116	0	2	0	39	0	165	
Meerut,	223	82	3	68	0	0	5	8	11	0	0	103	1	32	2726	1749	0	5	0	9	23	217	
Allygurh,	110	14	0	14	25	0	0	7	25	0	0	0	1	52	3010	124	0	0	0	3	101	90	
Moradabad,	710	105	11	52	1	4	1	74	97	0	0	19	3	19	4672	36	0	10	14	23	19	303	
Bareily,	355	140	4	113	0	1	0	60	70	0	12	7	4	74	4250	93	2	9	33	7	46	467	
Agra,	192	29	2	69	0	0	68	3	2	26	3	34	0	0	1640	392	0	5	65	5	122	43	
Furruckabad,	173	107	2	89	0	1	0	25	37	0	0	4	0	43	1984	412	2	5	2	11	115	184	
Mynpooree,	195	15	4	17	2	0	0	0	0	2	0	36	0	24	1219	136	2	7	0	2	6	113	
Cawnpore,	122	40	4	24	0	0	1	22	70	0	1	8	1	17	1286	13	4	5	13	12	9	118	
Futtehpore,	62	95	4	20	0	3	0	6	27	0	0	0	1	1	602	120	1	0	0	0	3	0	
Bundelkund,	144	72	1	15	0	0	0	0	4	0	1	23	2	12	911	28	0	0	5	6	4	96	
Allahabad,	327	87	7	27	1	10	5	26	7	0	4	77	0	17	1460	113	1	36	22	61	29	67	
Goruckpore,	370	299	5	147	0	0	8	0	8	2	0	189	0	73	2404	84	8	51	51	9	28	369	
Azimgurh,	217	96	3	32	0	0	8	41	63	0	0	0	0	48	553	34	0	42	1	2	51	302	
Joanpore,	432	13	0	23	0	0	0	5	15	0	0	29	1	60	615	0	10	10	6	1	61	126	
Mirzapore,	169	27	12	79	0	1	0	6	9	0	0	12	3	12	569	71	7	27	0	10	11	139	
Benares,	264	76	0	102	0	0	19	0	12	1	0	4	2	26	811	70	4	35	6	8	17	179	
Ghazeepore,	731	19	0	6	0	0	7	14	79	1	0	0	3	131	1179	175	5	5	9	7	53	276	
Total,	5009	1463	63	963	30	25	136	397	643	32	23	547	29	674	35952	6634	65	254	227	266	751	3446	
Kumaon,	1363	28	0	69	21	1	85	0	617	6	0	0	0	0	4045	953	61	185	28	102	497	450	
Subathoo,	0	0	0	0	0	6	0	0	0	0	0	0	0	4	459	12	3	7	6	22	3	0	
Zillah and City Courts,	6372	1491	63	1032	51	32	221	397	1260	38	23	547	29	678	40456	7599	132	446	261	390	1251	3896	
S. D. A. Instituted in 1843,	40	6	2	23	0	1	2	5	4	0	0	13	4	1	25	16	3	8	2	0	0	25	
Disposed of	33	13	1	24	1	0	1	2	5	1	3	7	1	0	22	26	1	2	4	0	3	23	

S. D. A., N. W. P.,
Agra,
The 13th July, 1844.

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No. 11.

Abstract Statement of Appeals decided by the Sudder Dewanny Adawlut, North Western Provinces, during the year 1843.

NAMES.	ZILLAHS.	Number of Suits.	Confirmed on perusal of the Petition.	Ditto after summoning the Respondent.	Ordered back for re-trial.	Judges order Modified.	Judges order Reversed.	Dismissed on Default.	Adjusted.
Mr. C. Lindsay,	Delhie,	4	1	1	0	1	1	0	0
Moulvee Mohumud Sudrooddeen Khan, P. S. A.	Delhie,	5	2	0	0	0	3	0	0
Mr. G. W. Bacon,	Saharunpore,	2	0	0	2	0	0	0	0
Moulvee Mohd. Hosein Khan, Bahadoor, P. S A.	Saharunpore,	3	1	2	0	0	0	0	0
Mr. J. S. Clarke, O. J.	Meerut,	1	0	0	1	0	0	0	0
Mr. A. W. Begbie,	Meerut,	1	0	0	0	1	0	0	0
Nawab Mohd. Ubdoollah Khan, P. S. A.	Meerut,	2	0	0	0	0	2	0	0
Zoohoor Ally, P. S. A.	Allygurh,	3	0	1	0	0	1	0	1
Syud Tussuddook Hosein Khan, P. S. A.	Moradabad,	3	0	0	3	0	0	0	0
Mr. W. Cowell,	Barelly,	9	0	5	3	0	1	0	0
Mr. H. J. F. Berkeley, P. S. A.	Barelly,	1	0	1	0	0	0	0	0
Mr. J. S. Boldero,	Agra,	1	0	0	0	1	0	0	0
Moulvee Mohd. Kurreemoollah Khan, Bahadoor, P. S. A.	Agra,	1	0	0	0	0	1	0	0
Mr. C. R. Cartwright,	Furruckabad,	2	0	0	0	1	0	1	0
Mr. J. Mercer, P. S. A.	Furruckabad,	5	0	0	0	2	3	0	0
Mr. C. F. Thompson,	Mynpooree,	1	0	0	1	0	0	0	0
Mr. A. Speirs,	Cawnpore.	10	0	2	3	1	3	1	0
Moulvee Mohd. Hukeemooddeen Khan, Bahadoor, P. S. A.	Cawnpore,	2	0	0	1	0	0	0	1
Moulvee Khadim Hosein Khan, Addl- P. S. A.	Cawnpore,	1	0	0	0	0	0	1	0
Mr. W. H. Benson,	Futtehpore,	2	0	0	2	0	0	0	0
Moulvee Mohumud Shukoor, P. S. A.	Futtehpore,	4	0	0	0	4	0	0	0
Mr. J. Lean, O. J.	Bundelkund,	2	0	0	1	1	0	0	0
Mr. A. Lang,	Allahabad,	5	1	0	1	1	2	0	0
Mohd. Ruzeeooddeen, P. S. A.	Allahabad,	4	1	0	2	0	0	0	1
Mr. H. Armstrong,	Goruckpore,	3	0	1	1	0	1	0	0
Mr. W. H. Woodcock, O. J.	Goruckpore,	3	0	0	3	0	0	0	0
Moulvee Mohd. Nubee Yawur Khan, Bahadoor, P. S. A.	Goruckpore,	4	1	0	2	0	0	1	0
Mr. R. Neave,	Azimgurh,	7	0	2	3	0	2	0	0
Moulvee Mohumud Luteef Khan, P. S. A.	Azimgurh,	6	1	2	1	2	0	0	0
Moulvee Gholam Mohd. Moostufah Khan, Addl. P. S. A.	Jounpore,	1	0	0	0	1	0	0	0
Moulvee Syud Mohd. Eosuffhusun Khan, P. S. A.	Jounpore,	5	1	2	2	0	0	0	0
Mr. A. P. Currie,	Mirzapore,	1	0	0	0	0	1	0	0
Mr. R. J. Tayler,	Mirzapore,	7	0	3	0	3	0	1	0
Pundit Beerbul, P. S. A.	Mirzapore,	2	0	1	1	0	0	0	0
Mr. J. P. Rivaz,	Benares,	4	0	0	4	0	0	0	0
Mr. G. Lindsay, Addl. J.	Benares,	4	2	0	0	0	2	0	0
Mr. J. Campier, Addl. P. S. A.	Benares,	7	1	3	1	1	1	0	0
Moulvee Gholam Yaheea, P. S. A.	Benares,	8	2	3	2	0	0	0	1
Mr. A. C. Heyland,	Ghazeepore,	7	0	3	3	0	1	0	0
Moulvee Mohumud Zoohoor, P. S. A.	Ghazeepore,	11	3	3	1	1	1	1	1
		154	17	35	44	21	26	6	5

S. D. A., N. W. P.,
AGRA,
The 13th July, 1844.

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No. 12.—*Statement of the Appellate Jurisdiction of the several Tribunals in the North Western Provinces, shewing what number of Decrees in each class of them was appealable, appealed, affirmed, altered or reversed.*

Zillahs.	Officers.	Description of cases.	Original Suits and first Appeals. Number Appealable. Cases decided on full Trial.	Cases decided exparte.	Cases decided on confession of Judgment.	Total.	Proportions. Of Col. 9 to Col. 1.	Of Column 9 to Col. 1 and 2.	Of Column 9 to Col. 1, 2 and 3.	First and 2nd Appeals. Number pending.	Number Appealed.	Number under Trial.	Number Confirmed. By Judge.	By F. S. A.	Total.	Number Modified or Reversed. By Judge.	By F. S. A.	Total.	Total decided.
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Delhie	Moonsiffs	Original Suits.	997	591	1094	2682	35·1	22·06	13·05	70	350	420	65	126	191	45	89	134	325
	Sudder Ameens	ditto	45	20	13	78	64·44	44·61	37·17	4	29	33	13	6	19	9	3	12	31
	Principal Sudder Ameens	ditto	80	17	4	101													
		Appeals	195	29	0	224	19·63	16·82	16·61	16	54	70	35	0	35	24	0	24	59
		Total	1317	657	1111	3085	32·87	21·93	14·03	90	433	523	113	132	245	78	92	170	415
Saharunpore	Moonsiffs	Original Suits.	992	652	725	2369	26·71	16·11	11·18	69	265	334	106	4	110	42	22	64	174
	Sudder Ameens	ditto	0	0	0	0	"	"	"	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens	ditto	93	28	12	133	45·36	30·34	27·84	18	44	62	18	0	18	9	0	9	27
		Appeals	5	20	1	26													
		Total	1089	700	738	2527	28·97	17·27	12·22	87	309	396	124	4	128	51	22	73	201
Meerut	Moonsiffs	Original Suits.	825	1030	928	2783	34·78	15·47	10·37	178	287	465	62	117	179	36	68	104	283
	Sudder Ameens	ditto	81	37	14	132	64·19	44·07	39·39	4	52	56	7	8	7	8	0	8	15
	Principal Sudder Ameens	ditto	64	24	10	98	20·46	18·68	18·02	104	51	155	44	0	44	25	0	25	69
		Appeals	185	0	0	185													
		Total	1155	1091	952	3198	33·76	17·36	12·19	286	390	676	113	117	230	69	68	137	367
Allygurh	Moonsiffs	Original Suits.	672	542	1201	2415	34·22	18·94	9·52	184	230	414	44	49	93	36	69	105	198
	Sudder Ameens	ditto	0	0	0	0	"	"	"	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens	ditto	68	57	30	155	24·55	16·87	16·11	68	41	109	31	0	31	34	0	34	65
		Appeals	99	19	0	118													
		Total	839	618	1231	2688	32·3	18·59	10·08	252	271	523	75	49	124	70	69	139	363
Moradabad	Moonsiffs	Original Suits	1611	1103	766	3480	31·46	18·68	14·56	480	507	987	141	334	475	12	330	342	817
	Sudder Ameens	ditto	150	61	31	242	48·66	34·99	30·16	87	73	160	17	72	89	1	36	37	126
	Principal Sudder Ameens	ditto	38	7	1	46	12·68	12·37	12·34	108	101	209	51	0	51	43	0	43	94
		Appeals	738	13	1	772													
		Total	2557	1184	799	4540	26·63	18·2	15·	675	681	1356	209	406	615	56	366	422	1037
Bareilly	Moonsiffs	Original Suits	1307	924	757	2988	27·16	18·2	15·	124	355	479	195	53	246	63	40	103	349
	Sudder Ameens	ditto	319	102	61	482	23·19	17·33	15·35	29	74	103	39	2	41	31	6	37	78
	Principal Sudder Ameens	ditto	114	39	14	167	26·51	22·44	20·52	18	57	72	31	0	31	24	0	24	55
		Appeals	101	0	0	101													
		Total	1841	1065	832	3738	26·39	16·72	13·	168	486	654	265	55	318	118	46	164	482
Agra	Moonsiffs	Original Suits.	717	553	467	1737	16·59	9·37	6·85	14	119	133	99	0	99	20	0	20	115
	Sudder Ameens	ditto	16	5	2	23	31·25	23·8	21·73	1	5	6	5	0	5	1	0	1	6
	Principal Sudder Ameens	ditto	60	33	20	113	51·66	33·33	27·43	12	31	43	27	0	27	10	0	10	37
		Appeals	0	0	0	0													
		Total	793	591	489	1873	19·54	11·19	8·27	27	155	182	127	0	127	31	0	31	158
Furruckabad	Moonsiffs	Original Suits.	719	463	786	1968	32·54	19·5	11·89	55	234	289	141	0	141	81	0	81	222
	Sudder Ameens	ditto	0	0	0	0	"	"	"	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens	ditto	99	27	10	136	59·58	46·03	42·64	20	58	78	36	0	36	20	0	20	56
		Appeals	0	0	0	0													
		Total	818	490	796	2104	35·64	22·32	13·87	75	292	367	177	0	177	101	0	101	278
Mynpoory	Moonsiffs	Original Suits.	387	225	474	1086	46·77	29·57	16·66	70	181	251	23	85	108	15	77	92	200
	Sudder Ameens	ditto	0	0	0	0	"	"	"	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens	ditto	51	0	0	51	9·85	"	"	32	21	53	2	0	2	4	0	4	6
		Appeals	162	0	0	162													
		Total	600	225	474	1299	33·66	24·48	15·55	102	202	304	25	85	110	19	77	96	206
Cawnpore	Moonsiffs	Original Suits.	501	246	432	1179	41·11	27·57	12·47	77	209	253	57	42	99	35	39	74	173
	Sudder Ameens	ditto	112	25	12	149	47·32	28·68	25·67	41	53	94	16	2	18	25	1	26	44
	Principal Sudder Ameens	ditto	39	12	10	61	44·06	38·80	35·86	68	52	120	28	0	28	49	0	49	77
		Appeals	79	4	1	84													
		Total	731	287	455	1473	42·54	30·55	21·11	186	311	497	101	44	145	109	40	149	294
Futtehpore	Moonsiffs	Original Suits	257	129	326	712	42·80	28·49	15·44	37	110	147	65	0	65	49	0	49	114
	Sudder Ameens	ditto	0	0	0	0	"	"	"	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens	ditto	43	2	33	78	81·39	77·77	44·87	18	35	53	14	0	14	19	0	19	33
		Appeals	0	0	0	0													
		Total	300	131	359	790	48·33	33·64	18·35	55	145	200	79	0	79	68	0	68	147
Bundelkund	Moonsiffs	Original Suits.	285	181	242	708	56·24	34·33	22·59	47	160	207	14	52	66	7	58	65	131
	Sudder Ameens	ditto	0	0	0	0	"	"	"	0	2	2	0	0	0	0	0	0	0
	Principal Sudder Ameens	ditto	60	8	10	78	31·48	28·65	27·12	64	51	115	35	0	36	27	0	27	63
		Appeals	102	8	0	110													
		Total	447	197	252	896	47·65	33·07	23·77	111	213	324	50	52	102	34	58	92	194
Allahabad	Moonsiffs	Original Suits.	760	445	438	1643	40·39	25·47	16·68	3	307	310	182	0	182	102	0	102	284
	Sudder Ameens	ditto	123	78	38	239	52·03	31·84	26·76	1	64	65	40	0	40	19	0	19	59
	Principal Sudder Ameens	ditto	69	43	30	142	65·21	40·17	31·69	8	45	53	30	0	30	20	0	20	50
		Appeals	0	0	0	0													
		Total	952	566	508	2024	70·27	35·92	25·	12	416	428	252	0	252	141	0	141	393
Goruckpore	Moonsiffs	Original Suits	1420	426	1104	2950	40·77	31·36	19·62	401	579	980	32	305	337	27	180	207	544
	Sudder Ameens	ditto	150	33	33	216	59·33	48·63	41·20	57	89	146	12	35	47	4	23	27	74
	Principal Sudder Ameens	ditto	51	7	14	72	10·70	10·14	9·91	75	61	136	48	0	48	43	0	43	91
		Appeals	519	24	0	543													
		Total	2140	490	1151	3781	34·06	27·71	19·28	533	729	1262	92	340	432	74	203	277	709
Azimgurh	Moonsiffs	Original Suits	422	103	94	619	69·95	55·42	47·01	233	291	524	176	78	257	121	25	146	403
	Sudder Ameens	ditto	295	46	22	363	24·06	20·82	19·55	22	71	103	31	0	31	22	0	22	53
	Principal Sudder Ameens	ditto	87	8	1	96	25·44	21·71	21·10	36	43	79	23	0	23	23	0	23	46
		Appeals	82	21	0	103													
		Total	886	178	117	1181	45·71	38·06	34·29	301	405	706	253	78	311	166	25	191	502
Jounpore	Moonsiffs	Original Suits.	803	332	175	1210	38·97	30·24	25·86	25	315	338	60	65	125	39	65	104	229
	Sudder Ameens	ditto	198	32	17	237	55·85	47·72	44·30	22	105	127	26	11	37	14	13	27	64
	Principal Sudder Ameens	ditto	37	5	5	47	12·09	11·73	11·44	28	23	51	15	0	15	22	0	22	37
		Appeals	140	14	0	154													
		Total	1178																

EXPLANATORY REMARKS.

s which are susceptible of Appeal and the decisions in Original Suits and Regular Appeals subject to the like contingency passed by the Principal Sudder Ameens are entered in Columns 1, 2, 3, and 4 opposite to the respective designations.

ntered the number of Appeals preferred during the Year from the decisions in Original Suits passed by those Officers and opposite to the Head of "Principal Sudder Ameens" in the same Column is entered the aggregate of Regular and Special Appeals pre-

decisions passed in the cases entered in Column 4, some of them may be cases decided in the Lower Court during 1842 and only Appealed in 1843—this excess, however, may be safely assumed to be cured by the Appeals which have been instituted in 1844

					197	1643	37·73	30·39	26·75	75	441	516	162				75	78	153	330
Mirzapore	Moonsiffs	Original Suits.	428	99	197	724	30·60	24·85	18·09	21	131	152	76	1	77	40	1	41	118
	Sudder Ameens	ditto	0	0	0	0	„	„	„	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens	ditto	168	19	12	199													
		Appeals	2	0	0	2	39·41	35·44	33·33	5	67	72	32	0	32	23	0	23	55
		Total	598	118	209	925	33·11	27·65	21·40	26	198	224	108	1	109	63	1	64	173
Benares	Moonsiffs	Original Suits.	963	362	205	1530	29·59	21·50	18·62	32	285	317	49	37	86	42	24	66	152
	Sudder Ameens	ditto	0	0	0	0	„	„	„	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens	ditto	178	15	8	201													
		Appeals	61	0	0	61	35·56	33·46	32·44	31	85	116	18	0	18	33	0	33	51
		Total	1202	377	213	1792	30·78	23·43	20·64	63	370	433	67	37	104	75	24	99	203
Ghazeepore	Moonsiffs	Original Suits.	883	531	453	1867	42·91	26·8	20·29	164	379	543	143	84	227	89	70	159	386
	Sudder Ameens	ditto	191	41	22	254	65·44	53·87	49·21	46	125	171	68	6	74	22	5	27	101
	Principal Sudder Ameens	ditto	128	16	14	158													
		Appeals	165	0	0	165	18·43	17·47	16·71	48	54	102	36	0	36	23	0	23	59
		Total	1367	588	489	2444	40·81	28·54	22·83	258	558	816	247	90	337	134	75	209	546
														S.A.			S.A.		
Kumaon	Moonsiffs	Original Suits.	259	84	85	428	48·64	36·44	29·43	52	126	178	102	3	105	19	1	20	125
	Sudder Ameens	ditto	374	0	0	374	46·03	„	„	87	174	261	152	0	152	38	0	38	190
		Appeals	4	0	0	4													
		Total	637	84	85	806	47·09	41·6	37·22	139	300	439	254	3	257	57	1	58	315
Subathoo	Moonsiffs	Original Suits.	0	0	0	0	„	„	„	0	0	0	0	0	0	0	0	0	0
	Sudder Ameens	ditto	99	68	31	198	21·21	12·57	10·6	2	21	23	16	0	16	6	0	6	22
	Principal Sudder Ameens	ditto	0	0	0	0													
		Appeals	0	0	0	0	„	„	„	0	0	0	0	0	0	0	0	0	0
		Total	99	68	31	198	21·21	12·57	10·6	2	21	23	16	0	16	6	0	6	22
104	Moonsiffs	Original Suits.	15208	8921	10949	35078	35·6	22·44	15·43	2336	5415	7751	1829	1435	3264	920	1158	2078	5342
18	Sudder Ameens	Ditto	2147	548	296	2991	43·64	34·76	31·32	413	937	1350	442	134	576	200	87	287	863
22	P. S. Ameens	Orig. Suits & Appeals.	4181	519	241	4941	23·31	20·72	19·71	774	974	1748	555	0	555	475	0	475	1030
		Total	21536	9988	11486	43010	34·01	23·23	17·03	3523	7326	10849	2826	1569	4395	1595	1245	2840	7235

The decisions in Original Suits passed during the year by the Moonsiffs and Sudder Ameens

In Column 9, and opposite to the Headings of "Moonsiffs" and "Sudder Ameens," are c
ferred during the year.

It is not intended to represent the whole of these Appeals [in Column 9] as preferred fro
from the decisions entered in that Column.

S. D. A., N. W. P.,
Agra, the 13th July, 1844.

G. F. EDMONSTONE,
Register.

No. 16.

General Abstract of Summary and Miscellaneous Suits disposed of during the year 1843, *and depending on the* 1st January 1843 *and* 1844 *respectively.*

Zillahs.	Depending on the 1st January, 1843.						Disposed of during the year 1843.						Depending on the 1st January, 1844.					
	Petitions for review of judgment under Clause 2, Section 4, Regulation XXVI. 1814, and Section 2, Regulation II. 1825.	Petitions for Special Appeals under Section 2, Regulation XXVI. 1814, and Section 4, Regulation II. 1825.	Petitions of Summary Appeals under Clause 4, Section 3, Reg. XXVI. 1814, and Act No. 22, 1838.	Petitions of Appeal under Clause 5, Section 3, and Clause 2, Section 5, Regulation VII. 1825.	Applications for the execution of Decrees and petitions from parties objecting to orders passed in the execution of Decrees.	Total.	Petitions for review of judgment under Clause 2, Section 4, Regulation XXVI. 1814, and Section 2, Regulation II. 1825.	Petitions for Special Appeals under Section 2, Regulation XXVI. 1814, and Section 4, Regulation II. 1825.	Petitions of Summary Appeals under Clause 4, Section 3, Regulation XXVI. 1814, and Act No. 22, 1838.	Petitions of Appeal under Clause 5, Section 3, and Clause 2, Section 5, Regulation VII. 1825.	Applications for the execution of Decrees and petitions from parties objecting to orders passed in the execution of Decrees.	Total.	Petitions for review of judgment under Clause 2, Section 4, Reg. XXVI. 1814, and Section 2, Regulation II. 1825.	Petitions for Special Appeals under Section 2, Regulation XXVI. 1814, and Section 4, Regulation II. 1825.	Petitions of Summary Appeals under Clause 4, Section 3, Regulation XXVI. 1814, and Act No. 22 1838.	Petitions of Appeal under Clause 5, Section 3, and Clause 2, Section 5, Regulation VII. 1825.	Applications for the execution of Decrees and petitions from parties objecting to orders passed in the execution of Decrees.	Total.
Delhie,	6	21	5	4	372	408	42	49	47	11	3030	3179	0	0	0	0	382	382
Saharunpore,	1	1	0	20	1040	1062	6	1	34	116	3916	4073	1	0	3	4	1007	1015
Meerut,	12	8	26	16	1204	1266	23	11	40	32	4458	4564	2	0	5	25	878	910
Allygurh,	4	17	7	105	1311	1444	10	52	14	132	4460	4668	7	0	29	111	934	1081
Moradabad,	13	87	15	68	996	1179	43	149	36	91	3951	4270	0	0	2	16	1044	1062
Barejlly,	2	5	1	16	1028	1052	28	45	11	155	3964	4203	0	0	3	5	1164	1172
Agra,	1	0	0	15	811	827	7	0	2	83	3803	3895	1	0	0	7	625	633
Furruckabad,	1	0	1	0	757	759	24	0	29	144	3101	3298	0	0	1	4	534	539
Mynpooree,	3	6	10	45	618	682	6	7	23	89	1708	1833	1	3	14	42	334	394
Cawnpore,	10	26	1	11	857	905	27	43	46	75	2803	2994	8	0	3	11	540	562
Futtehpore,	0	0	2	12	562	576	11	0	17	60	1529	1617	3	0	0	56	395	454
Bundelkund,	40	46	17	0	287	390	48	68	23	0	1486	1625	17	20	23	0	223	283
Allahabad,	0	0	0	1	795	796	13	0	18	197	2613	2841	0	0	1	0	832	833
Goruckpore,	7	25	0	3	1007	1042	20	100	40	14	4314	4488	45	0	9	5	848	907
Azimgurh,	6	0	1	1	472	480	45	6	56	6	1378	1491	0	0	2	0	449	451
Jounpore,	6	0	0	9	486	501	27	9	10	65	1516	1627	14	0	0	12	516	542
Mirzapore,	0	0	0	0	456	456	13	7	12	73	1420	1525	1	0	2	17	302	332
Benares,	7	0	13	0	845	865	43	4	98	0	2630	2775	14	0	23	0	733	770
Ghazeepore,	4	0	1	5	853	863	21	4	27	83	2743	2878	0	0	1	3	642	646
Total,	123	242	100	331	14757	15553	457	555	583	1426	54823	57844	114	23	121	318	12382	12958
Kumaon,	0	6	0	0	185	191	4	109	0	0	1469	1582	0	3	0	0	183	186
Subathoo,	0	0	0	0	10	10	0	0	0	0	142	142	0	0	0	0	3	3
Grand Total,	123	248	100	331	14952	15754	461	664	583	1426	56434	59568	114	26	121	318	12568	13147
Regulation Provinces—Judges,	111	242	100	331	862	1646	397	555	583	1426	3817	6778	100	23	121	318	216	778
Principal Sudder Ameens,	12	0	0	0	3436	3448	60	0	0	0	10064	10124	14	0	0	0	1924	1938
Sudder Ameens,	0	0	0	0	626	626	0	0	0	0	2716	2716	0	0	0	0	1115	1115
Moonsiffs,	0	0	0	0	9833	9833	0	0	0	0	38226	38226	0	0	0	0	9127	9127
Total,	123	242	100	331	14757	15553	457	555	583	1426	54823	57844	114	23	121	318	12382	12958
Hill Provinces,	0	6	0	0	195	201	4	109	0	0	1611	1724	0	3	0	0	186	189
Grand Total,	123	248	100	331	14952	15754	461	664	583	1426	56434	59568	114	26	121	318	12568	13147

G. F. EDMONSTONE,
Register.

S. D. A. N. W. P.
Agra, the 13th July, 1844.

No. 17.

Result of Miscellaneous and Summary Appeals from the decisions of the Zillah Judges preferred to the Sudder Dewanny Adawlut, during the year 1843.

Zillahs.	*Applications for the admission of Special Appeals.*							*Summary Appeals under Regulation XXVI. 1814, Section 3.*						*Summary Appeals under Regulation VII. 1825.*						*All other Miscellaneous Cases.*						Remarks.
	Pending 1st January, 1843.	Preferred in 1843.	Total.	Admitted.	Rejected.	Struck off or otherwise disposed of.	Pending 1st January, 1844.	Pending 1st January, 1843.	Preferred in 1843.	Total.	Decisions of the Lower Courts. Confirmed.	Reversed.	Struck off or otherwise disposed of.	Pending 1st January, 1844.	Pending 1st January, 1843.	Preferred in 1843.	Total.	Decisions of the Lower Courts. Confirmed.	Reversed.	Struck off or otherwise disposed of.	Pending 1st January, 1844.	Pending 1st January, 1843.	Preferred in 1843.	Total.	Decisions of the Lower Courts. Confirmed.	Reversed.	Struck off or otherwise disposed of.	Pending 1st January, 1844.	
Delhie, ...	0	20	20	2	14	0	4	0	1	1	1	0	0	0	0	0	0	0	0	0	0	4	45	49	14	5	20	10	400 Petitions of Original institution in the Sudder Dewanny Adawlut, unconnected with any Appeal, were also disposed of during the year.
Saharunpore,..	0	11	11	3	6	0	2	0	2	2	2	0	0	0	0	0	0	0	0	0	0	4	31	35	13	4	16	2	
Meerut,... ...	4	24	28	3	16	0	9	0	4	4	3	0	0	1	0	0	0	0	0	0	0	2	27	29	4	1	17	7	
Allygurh, ...	1	10	11	0	7	0	4	0	3	3	3	0	0	0	0	1	1	1	0	0	0	0	16	16	1	1	10	4	
Moradabad, ...	0	40	40	4	21	2	13	0	1	1	0	1	0	0	0	0	0	0	0	0	0	4	30	34	3	0	25	6	
Bareily, ...	4	30	34	8	15	1	10	0	0	0	0	0	0	0	0	1	1	0	1	0	0	8	54	62	16	1	29	16	
Agra, ...	0	7	7	0	4	1	2	0	0	0	0	0	0	0	0	1	1	0	1	0	0	18	49	67	13	8	35	11	
Furruckabad,..	1	23	24	4	10	1	9	0	0	0	0	0	0	0	0	1	1	0	1	0	0	5	42	47	7	4	27	9	
Mynpooree, ...	0	6	6	1	2	3	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	1	11	12	1	0	7	4	
Cawnpore, ...	2	25	27	6	10	1	10	0	4	4	4	0	0	0	1	0	1	1	0	0	0	9	76	85	18	2	54	11	
Futtehpore, ...	1	16	17	2	12	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	52	61	14	10	33	4	
Bundelkund,...	2	15	17	2	4	5	6	0	2	2	0	0	0	2	0	0	0	0	0	0	0	10	24	34	1	3	16	14	
Allahabad, ...	0	31	31	5	15	2	9	1	0	1	0	0	1	0	0	6	6	0	0	0	0	16	98	114	24	7	69	14	
Goruckpore,...	1	45	46	7	21	3	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	74	80	28	3	42	7	
Azimgurh, ...	0	32	32	7	20	1	4	0	3	3	1	0	0	2	0	1	1	0	1	0	0	6	115	121	35	16	50	20	
Jounpore, ...	0	13	13	3	8	0	2	0	4	4	3	1	0	0	0	0	0	0	0	0	0	15	72	87	12	1	55	19	
Mirzapore, ...	2	17	19	1	13	2	3	0	1	1	0	1	0	0	0	2	2	2	0	0	0	19	82	101	32	9	45	15	
Benares, ...	3	9	12	5	5	1	1	0	9	9	5	4	0	0	0	0	0	0	0	0	0	49	128	177	32	26	90	29	
Ghazeepore, ...	1	32	33	4	20	1	8	1	0	1	1	0	0	0	0	0	0	0	0	0	0	23	82	105	23	2	62	18	
Total,	22	406	428	67	223	24	114	2	35	37	23	8	1	5	1	13	14	10	3	1	0	208	1108	1316	291	103	702	220	
Kumaon, ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	0	0	0	
Subathoo, ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Grand Total,...	22	406	428	67	223	24	114	2	35	37	23	8	1	5	1	13	14	10	3	1	0	208	1110	1318	293	103	702	220	

S. D. A. N. W. P.
Agra, the 13*th July,* 1844.

G. F. EDMONSTONE,
Register.

REPORT

OF THE

SUDDER DEWANNY ADAWLUT

NORTH-WESTERN PROVINCES

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE

FOR THE YEAR

1844.

AGRA:

PRINTED AT THE AGRA ORPHAN PRESS BY E. H. LONGDEN.

1845.

REPORT.

No. 1204 OF 1845.

FROM G. F. EDMONSTONE, ESQUIRE,

Register to the Court of Sudder Dewanny Adawlut,
NORTH-WESTERN PROVINCES.

To J. THORNTON, ESQUIRE,

Secretary to Government,
NORTH-WESTERN PROVINCES.

Dated, Agra, the 12th June, 1845.

SIR,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, and
J. Davidson,
Judges.
Esquires.

I have the honor, by direction of the Court of Sudder Dewanny Adawlut, North Western Provinces, to transmit Reports according to the detail given in the annexed list, and Statements shewing the amount of business of all kinds disposed of by the several Courts, European and Native, of Civil judicature in the North Western Provinces, during the past year 1844, together with the number of cases pending at its close, for submission to the Honorable the Lieutenant Governor, with the following Report:

DELHIE.

2. The Court are gratified at being able, as in former years, to represent the state of Civil business in this Territory in a satisfactory light, and to repeat the assurance, that the Judicial Establishment, ably and carefully superintended by Mr. Lindsay the Judge, and his locum tenens Mr. J. P. Gubbins, has worked efficiently and industriously, and has been found fully equal to the judicial wants of the jurisdiction. As regards the income of Civil business, the variation has been inconsiderable, the number of suits brought on the file in 1844, having been larger by 135 than in the preceding year, and the cases before the Courts having been more numerous by 73 only, while the diligence and activity shewn in its disposal is at the same time apparent from the fact of the Statements denoting an excess of 163 suits brought to a termination, whether on trial or otherwise, and a dimi-

JUDGE.	
Headings, Nos. 1 to 14,..	239
„ „ 15 to 17,..	2556
	2795

P. S. AMEEN.	
Headings, Nos. 1 to 14,..	502
„ „ 15 to 17,..	239
	741

nution of 90 in the pending arrear, as compared with the condition of the general file at the commencement of the period under review. As in 1843, but few cases, of longer standing than a twelvemonth, awaited determination, being limited to 3, appearing on the Principal Sudder Ameen's file, all of which were remanded by the Sudder Dewanny Adawlut towards the close of the past year, and were retarded in their progress towards completion by the intervention of the Dusserah vacation, and the necessary observance of legal requirements, while, with these exceptions, no suit, instituted prior to the 17th June, 1844, was pending in any of the tribunals of the Delhie Territory, when the period under consideration came to a close. If, therefore, celerity of decision be any evidence of judicial efficiency, it may be inferred that the desiderated object has been attained in this District, and there may be reasonable ground for hope, that Mr. Lindsay's zealous and careful supervision, by which this commendable state of things has been accomplished, may suffice, with the effective aid of the subordinate agency at his command, to maintain it. The Miscellaneous files at the close of the year exhibited no cases of longer standing than a twelvemonth, save one under Heading 13 of Statement No. 2 in the Principal Sudder Ameen's Court, for the protraction of which, as relating to the execution of a Decree passed by the Sudder Dewanny Adawlut, that functionary can hardly be considered exclusively responsible.

3. Mr. Colin Lindsay, by whom the Report and Statements for the past year have been submitted, was compelled by severe and repeated illness to relinquish his official duties for a season, being temporarily succeeded in the incumbency of this Judgeship by Mr. J. P. Gubbins, who officiated from the 20th April until the 29th October, and was then relieved by Mr. Lindsay, by whom the administration was conducted and superintended from that date until the termination of the year. Sittings were held on the Civil side for 109 days, and a portion of 79 others [which were partly devoted to Criminal and Sessions duties] and the business transacted comprised the trial and decision of 275 regular cases, all but 2 of which were appeals, and the disposal, after investigation of the merits, of 2,694 Miscellaneous cases, of which 138 had reference to the matters represented by the first 14 Headings of Statement No. 2; the degree, in which each of the Officers above named participated in the dispatch of this business, is exhibited in the marginal* memorandum, and it is only necessary to add, as evidencing their personal assiduity, and the efficiency of the Court, in which they severally presided for the periods indicated, that in the regular department, at the close of the year "24 suits only remained undecided, none of which were of an older date than 13th November, 1844," while on the miscellaneous file of the same Court no more than 16 cases of every description awaited a final order. In addition to the above, 5 Appeals under Regulation III. of 1828 were decided by Mr. Lindsay, as Special Commissioner, who further states in his Report, that Criminal and Sessions duties "occupied 141 days, including the Dusserah and Mohurrum Vacations," 116 trials, in which 269 Prisoners were implicated, and 182 Appeals from the orders of the Magisterial Authorities, having been disposed of within that period. The provisions of Regulation VI. of 1832 were not brought into practical operation during the past year, "no suits calling for the assistance" thereby permitted, having been brought before the Court for adjudication. Since the commencement of the present year, the Court regret to find, Mr. Lindsay has been again compelled to seek restoration of health, in a more congenial climate, and will, it is hoped, be permitted to return with increased energy to the sphere of his official labors. 10 Appeals,† [2 regular and 8 special] from this Court came before the Sudder Dewanny Adawlut during the past year, in one of which Mr. Lindsay's judgment was reversed, and the remainder were sent back by remand.

* Decided on trial, { By Mr. Lindsay, ... 83; By Mr. Gubbins, ... 192 } = 275

Miscellaneous.

Disposed of, .. { By Mr. Lindsay, ... 1114; By Mr. Gubbins, ... 1611 } = 2795

Deduct those transferred to Other Courts, and struck off. 101

= 2694

† From Mr. Lindsay's order, ... 6
Mr. Gubbin's order, ... 4

4. The performances and character of Moulvee Mahomed Suddurooddeen Khan, the Principal Sudder Ameen, enjoying the higher rate of Salary accorded to Officers of that grade, as exhibited in the returns and the report of the Judge, are such as reflect credit on the high and responsible office he holds. Besides deciding on trial 261 regular suits, of which 103 were original and 158 appeals, and disposing of 362 miscellaneous applications under the first 14 headings of Statement No. 2, by orders on the merits, comprising 130 struck off after full or partial enforcement of the decree to which they related, this officer is reported to have delivered his Futwa in 80 Criminal trials held by the Sessions Court, and to have, further, aided the Magistrate by the decision of 24 Criminal cases, and the preparation of 2 others, referred to him for that purpose. Although the Principal Sudder Ameen's regular decisions on trial are numerically insufficient with reference to the prescribed standard, and although a larger portion of miscellaneous business may have been brought to a conclusion by other officers of the same grade, yet this result was obviously unavoidable, regard being had to the lightness of his regular file, on which only 34 undecided cases appear at the close of 1844, and to the limitation of depending arrear in the miscellaneous department of work to 63 cases, of which 44 concerned the enforcement of decretal orders. Mr. Lindsay, the Judge, continues to be satisfied with the official conduct of this Officer, and repeats an opinion, favorable to the "value and the character of his services," but the result of appeals from his decisions is such as to convey a somewhat unfavorable opinion of his judgment, his order having been interfered with in 18 out of 43 cases, which were adjudicated by the Judge, or about 41¾ per cent, while of those [6 regular and 4 special] brought before the Sudder Dewanny Adawlut, the Principal Sudder Ameen's decision was in 4 confirmed, 5 of the remaining cases were remanded for retrial, and one was dismissed. In preference, however, to founding upon these results alone a judgment, prejudicial to the judicial ability of the Principal Sudder Ameen, the Court would refer to the fairer and more correct criterion, afforded by the proportion of appeals, instituted, to the number of decisions pronounced in contested cases, [those determined "exparte" and on confession of judgment being excluded from the account], as shewn in the margin, and would hope, that this may be regarded as more creditable.

Contested Cases Decided.	*Appeals preferred within the year to Judge and Sudr. Dewy. Adl.*	*Proportion per Cent.*
862	49	22 *per cent or* 1 *in* 4½

5. It will be in the recollection of Government, that the inferior judicial agency in this District, as modified in 1842, is composed of 3 Sudder Ameens, located at Delhie, Goorgaon and Rohtuck, who are invested also with the powers of Moonsiffs, and of 5 other Officers of the inferior grade, who hold their Court at the Stations of Delhie, Paneeput, Hissar, Noh and Sirsa: with the diligence of these functionaries, as represented by the returns under notice, the Court have every reason to be satisfied, but it is manifest that those of the superior class would be very insufficiently occupied, did they not possess authority to adjudicate suits, cognizable by Moonsiffs, for the united labors* of the three officers, exclusively in the capacity of Sudder Ameen, comprehended the disposal of 100 regular suits, leaving only 20 for future decision, and in the miscellaneous branch, the complete or partial execution of 110 decrees, together with a few other cases, therewith connected. By these, and the 5 other Officers acting as Moonsiffs, 2489 cases [or less by 193 than in the year 1843] were determined after trial, but of these the large proportion of 1506 or 60½ per cent, were adjudicated "exparte" [588] or on confession of judgment [918], while at the same time 393 were dismissed on default, and 2666 were adjusted or withdrawn; the aggregate of decisions on trial yields an average of 311 to each Officer; the Moonsiffs of Goorgaon, Hissar, Noh and Sirsa failed to attain to the prescribed standard, not, it is believed, from any inability or defect of application, but simply from the limitation of business, instituted in their Courts, as shewn by

* NOTE—62 Criminal cases were decided by the Sudder Ameen of Goorgaon, and 32 by the Sudder Ameen of Rohtuck, in addition to the work represented in the text.

	Pending at end of 1844.
* Goorgaon, ...	57
Hissar, ...	41
Noh, ...	45
Sirsa, ...	16

the state of their files, on which but few* cases awaited decision when the period under report closed. The only remark, suggested by a consideration of these results, has reference to the large proportion of cases disposed of "exparte" and on confession of judgment, of which, whenever it may exceed the average, the Court desire to receive some explanation, which Mr. Lindsay has, on the present occasion, perhaps inadvertently omitted to record; it is not intended by this to imply, that the circumstance noticed should be necessarily considered an unfavorable feature in the Administration of Civil Justice, but it is important to know, that, before the adjudication of suits exparte, all legal precautions are carefully observed, and that the power, possessed by all suitors, of confessing judgment, is not made auxiliary on the one hand to collusive litigation, or the institution of fictitious suits, on the other, with the view of preventing the reduction of the judicial establishment. A creditable degree of industry has been evinced by these Officers in the miscellaneous department of business, as represented by the investigation and decision of 2141 cases of all descriptions, including the full enforcement of 991, and the partial execution of 831 decrees, and by the absence of cases, older than a twelvemonth; the diligence of the Moonsiffs stationed at Delhie and Paneeput is the most conspicuous, 1182, or more than 3-5ths of all the applications for execution of Decree, which were struck off under the two conditions above mentioned, having been disposed of in their Courts.

6. It remains only, before closing this Section of the Report, to advert to the judicial ability of the several functionaries above mentioned, as inferrible from the Appeal Statement, and the remarks on this subject, recorded in the Judge's Report; the marginal† memorandum will serve to exhibit the proportion borne by orders affirmed to those modified or reversed, and the share taken by the Judge and the Principal Sudder Ameen respectively in the adjudication of Appeals from the subordinate Courts, and if the general result cannot be pronounced particularly favorable to the judgment of those Officers, as a collective body, it is at any rate satisfactory to observe, that improvement is apparent, and that the mode, in which Appeals from the orders of Ataoollah Khan and Ikramooddeen terminated, is creditable to their discrimination, and confirmatory of the good opinion, entertained by Mr. Lindsay, of their official merits, and their integrity of conduct. It will be remarked, as noticed in the 6th paragraph of the Court's last Report, that the number of Appeals instituted bears an inverse proportion to the distance of each Court from the Appellate tribunal, "the smallest number having been preferred from the decisions of the Sirsa Moonsiff, whose Court is most remote and the larger from the tribunals

	Tried.	*Confirmed.*	*Modified or Reversed.*	*Proportion of Reversals to No. of Appeals decided.*
† Ikramooddeen, Sudder Ameen and Moonsiff of Delhie, ...	99	66	33	33⅓
Mohesh Chunder, Sudder Ameen and Moonsiff of Goorgaon, ...	46	22	24	52.1-6ths
Ataoollah Khan, Sudder Ameen and Moonsiff of Rohtuck, ..	36	27	9	25
Mr. R. H. Smith, Moonsiff of Delhie, ...	115	70	45	39⅛
Kasim Alee, Moonsiff of Paneeput, ...	39	29	10	25⅝
Faqueer Chund, Moonsiff of Hissar, ...	23	14	9	39
Sookhlasee Loll, Moonsiff of Noh, ...	21	13	8	38
Doobey Buldeo Pershaud, Moonsiff of Sirsa, ...	9	4	5	55½
	388	245	143	36.4-5ths.
By Judge, ...	230	144	86	37.2-5ths.
By Prinl. Sudr. Ameen,	158	101	57	36

located at Delhie and Goorgaon, which are adjacent to the Appelate Court." With the exception of Faqueer Chund, the Moonsiff of Hissar, against whom several complaints are said to have been preferred within the last 18 months, and whose decisions are reported to have been occasionally characterized by a want of familiarity with the provisions of Law and the rules of practice, and also of Kasim Alee the newly appointed Moonsiff of Paneeput, in regard to whose character and services Mr. Lindsay desires, for reasons stated, to suspend his judgment, all these Officers would seem to merit commendation for their uprightness of conduct, and their zealous services during the past year; as the Government are aware, Mr. R. H. Smith's official merits have been acknowledged in his selection for the appointment of Assistant Register on the establishment of this Court, and there is every reason to expect, that he will acquit himself as creditably in this, as he has been heretofore found to do in a judicial capacity. The Court regret, that their endeavors* to secure a provision for Mohesh-Chunder, the Sudder Ameen of Goorgaon, in a similar capacity under the jurisdiction of the Sudder Dewanny Adawlut for the Lower Provinces, by an exchange of appointments with another officer of the like grade, should have been unsuccessful: the Pundit is reported to be but partially acquainted with the language, in which judicial proceedings are conducted, and he is dissatisfied with his present position,—circumstances, which render his removal to a more congenial sphere highly desirable, and which must be detrimental to his prospects, whatever his natural ability and aptitude for business may be, no less than to the credit of the judicial administration; the Court would again venture to urge this on the consideration of Government, and to suggest that application be made to the proper authorities for permission to transfer Mohesh Chunder to the Bengal Division of the Presidency, whenever a vacancy in the grade of Sudder Ameen may happen to occur.

* Vide my letter, No. 783, dated 3rd May, 1844.
Your reply, No. 3711, dated 23d August, and its enclosures.

7. The records of this Judgeship, though not arranged in exact conformity to the plan, which has been approved by the Court, are said to be in efficient condition, no difficulty or delay being found in the production of necessary papers; it may be sufficient, therefore, without the incurment of expense in rectifying this error [which consists only in this, that "the cases of execution of Decree are kept separate from the original cases, to which they refer"] to follow the proper and prescribed system in the adjustment and preservation of all records, that may be *hereafter* created.

8. From a comparative Statement, which accompanied the Judge's Report, it appears that the amount realized by the sale of stamps, required for the institution of suits cognizable by Moonsiffs, exceeds the cost incurred by Government in the maintenance of the Lower Courts of this Territory, by Rupees 5376 11 7, but it should be noted, that in the outlay, as here calculated, the salaries received by the Sudder Ameens of Delhie, Goorgaon and Rohtuck, are not included, on the ground, Mr. Lindsay observes, that "they receive their salaries as such, and not for deciding cases cognizable by Moonsiffs;" if, however, the cost† of three Moonsifee establishments be added to the expenditure represented in the Judge's Statement, a balance of Rupees 336 11 7 will still remain in favor of Government.

† Rupees 5040—p. a.

SUHARUNPORE.

9. With an increase of 154 in the number of suits instituted, and of 141 in the number before the Courts, as compared with the year last reported on, the decisions on trial were more numerous by 46, and, when 1844 closed, a reduction on the general file to the extent of 181 suits was apparent, shewing that the judicial Agency employed is fully equal to the prompt and punc-

JUDGE.	
Headings, Nos. 1 to 14,..	178
" " 15 to 17,..	3852
	4030

2 P. S. AMEENS.	
Headings, Nos. 1 to 14, ..	384
,, ,, 15 to 17, ..	182
	566

tual disposal of all the Civil business arising within this jurisdiction, without any risk of the accumulation of arrears. Of the 2,748 suits, on which judgment was passed after trial by the several Courts, 2,321 were decided by the Moonsiffs, and of the 1,259 cases, which composed the arrear depending at the end of the year, 1068 awaited determination in the inferior tribunals, and comprised none, instituted prior to its commencement; the only regular suits, thus protracted in their duration, were 2, pending before the Principal Sudder Ameen, to whose compulsory absence on Medical Certificate from and after the beginning of the Dusserah Vacation, the continued dependence of 1, brought on the file in September, 1843, would seem to have been attributable, while the other was remanded in Appeal from the decision of the Deobund Moonsiff, and transferred to the Principal Sudder Ameen's Court for trial and adjudication, on 30th November: it may be inferred from this and from the fact, that all the miscellaneous cases, requiring a final order, were brought on the files of the several Courts within the period under review, that the judicial and executive duties of the constituted Agency of this District are met by efficient and well directed industry, and that justice is dispensed with as much celerity, as the requirements of Law, and the necessity of deliberate investigation will permit.

10. From the 1st January until the 18th August Mr. H. Lushington presided in the Judge's Court, and during the interval, which elapsed before the arrival of his successor Mr. Benson on the 15th November, the charge of current duties devolved for 14 days on Mahomed Hossein, and for the remaining portion of the same period, Mr. W. H. Woodcock officiated as Judge, without, however, taking any share in the disposal of regular business, owing perhaps to the adjournment of the Civil Courts during the greater part of his incumbency, which extended from the 2d September to the 15th November, 1844. Messrs. Lushington and Benson, confining themselves exclusively to Appellate duties, in which the aid of the Principal Sudder Ameen was found to be unnecessary, passed judgment, after trial, on 246 regular cases, in the proportions denoted marginally,* during 146 days, available for Civil duties, and, with some assistance from the Principal Sudder Ameen, and Mr. W. H. Woodcock, who restricted his attention to the Miscellaneous Department, investigated and passed orders on 130 cases under Headings 1 to 14 of Statement No. 2, comprising 5 applications for execution of Decree, struck off after full enforcement; seeing, that when the year came to a termination, the regular file of this Court was moderate, consisting of 137 cases [less by 21 than at a corresponding period of the preceding annual period], and that in the Miscellaneous Department, little susceptible of disposal remained pending, the Court consider, that the amount of work above specified could hardly have been exceeded, reference being had to the mutations of incumbency, which occurred, and the heavy demands made on the attention and energies of the Judges by Sessions and Criminal duties, which engrossed no less than 100 days, whereas the time, similarly employed during the year 1843, did not exceed 56 days. In the trial of 6 appeals, recourse was had to the aid of Punchayet, whose award was followed in the decisions of all. In reviewing the Periodical Statements from this District during the past year, there were two points, connected with the miscellaneous branch of business, which attracted the notice of the Judge of this Court, on whom that duty fell, and formed the subject of correspondence with Mr. Lushington and his successor, one being the large proportion, borne by applications for execution of Decree struck

* Mr. H. Lushington,.. 226
Mr. W. H. Benson,.. 20
246

DISTRIBUTION OF MISCELLANEOUS WORK.

	Headings, 1 *to* 14.	*Headings*, 15 *to* 17.
Mr. H. Lushington,.....	109	2511
Mr. W. H. Benson,.....	13	494
Mr. W. H. Woodcock,.....	8	542
P. S. A., Mahomed Hossein, ..	0	115
	130	3,662

off on default to those disposed of by full or partial enforcement, and favoring the presumption that existing orders on the point were either misunderstood or overlooked, and the other having reference to a practice, incidentally brought to light, of sales in satisfaction of Decrees being held but once in each Quarter by the Revenue authorities in this Division. The enquiries, instituted in regard to the former, resulted in the discovery of some irregularity, [arising apparently in misconception of the prescribed rules] on the part of the Moonsiffs of Shamlee and Moozufferнuggur, who were informed through the intervention of the Judge, that, though the tenor of those instructions certainly repudiated delay in the execution of Decrees, and recognized a course of proceeding which was calculated to obviate it, it was never intended that the actual efficiency of the Courts in their executive capacity should be sacrificed either to notions of expediency, or to the exhibition of a merely fictitious celerity in the performance of this important duty, and they were warned against the permission of the irregularities detected, in future. With reference to the practice of holding Quarterly sales, a remonstrance was addressed to the Sudder Board of Revenue, with whose sanction it was found to have been introduced in the Meerut, Rohilkund and Delhie Divisions, on the grounds, that greater publicity would be given to the approaching sale, that a larger attendance of intending purchasers would be secured, and the revenue authorities would derive much relief from their occupation in conducting sales of the nature, alluded to, being restricted to certain fixed and specified periods; it was urged by the Court, that the infrequency of sale days, under the system in question, was calculated to retard the ultimate execution of Decrees in an inconvenient degree, without any commensurate advantage, and involved injustice to the Decree-holder, debarring him from the realization of demands, adjudged by a Court of Justice to be equitable; the Court, moreover, being by no means satisfied that the ostensible objects of the plan introduced were attained, and unable at the same time to recognize, as just, the principle of postponing the immediate performance of a duty, specially imposed upon the revenue authorities by Law, requested that its discontinuance might be directed, and, though no intimation to that effect has been received, the wishes of the Court, it may be presumed, have not been overlooked.

11. As mentioned in a foregoing paragraph, the Principal Sudder Ameen of this District, Mahomed Hossein was permitted to be absent during the Dusserah Vacation, and was prevented by severe illness [professionally certified] from resuming his official labors within the period under report: notwithstanding this interruption, and the impracticability of finding at short notice a qualified person as a substitute for the limited period of his expected absence, no more than 45 regular suits were pending investigation and decision in his Court when the year closed, and the arrear of the Miscellaneous Department was little in excess of that, which was borne on the file at a corresponding period of the antecedent year, during which no such intermissions of judicial labor occurred. It seems to the Court, therefore, that the Principal Sudder Ameen, in deciding 168 original suits after trial, and in disposing, after investigation of the merits, of 194 Miscellaneous cases under the first 14 Headings of Statement No. 2, inclusive of 101 decrees fully executed, brought to completion as large a quantity of work, as was permitted by the income of business, and left no room to question his zeal or the efficiency of his exertions. His services in aid of the Magisterial authorities were confined to the disposal of 15 Criminal trials, and of 102 Petitions and applications of a miscellaneous nature. A very favorable opinion of Mahomed Hossein's judicial qualifications is inferrible from the result of 39 Appeals heard by the Judge, no less than 31 of that number having ended in the affirmation of the judgment originally recorded, while of his merits in other respects it is stated in the minute, left by Mr. Lushington on his relinquishment of Office, that "his character for integrity stands very high," that "the natives entertain the highest respect for him and are universally contented with his decisions," and that "it is very common to find Petitions from parties dissatisfied with their Moonsiff, praying that their case may be transferred to the Court of the Principal Sudder Ameen or elsewhere, if it might not be sent *there*." The distinction,

therefore, lately conferred* upon this Officer, by his advancement to the superior grade in succession to Mr. Berkeley, late Principal Sudder Ameen of Barelly, is no less a subject of congratulation to the Court, than a mark of well merited approbation, and in itself a well earned reward of prolonged service in the Judicial Department.

* My letter, No. 659, dated 10th April.
Your reply, No. 1,699, dated 23d Idem.

12. A reviewal of the operations in the Courts of the Moonsiffs leads to the conclusion, that their general efficiency will be greatly promoted by a readjustment of their jurisdictions, considerable inequality in the income of business being observable, and further, that if agreeably to a proposal, made by the Judge of Meerut [vide paragraph 24 of this Report] certain tracts now included in that District, should be annexed to the Saharunpore Judgeship, some addition to the strength of the Judicial Agency may possibly become necessary, for during the past year the suits instituted amounted in number to 4198, which, together with those remaining over from 1843 [1039] and others received by transfer made up a total of 5250 suits, pending before these five tribunals. By these Officers, collectively, decisions were passed after trial on 2160 regular cases, of which 600 were decreed exparte, and 603 on confession of judgment, at an average rate of 432 to each Officer, the Moonsiffs of Deobund and Shamlee having, however, exceeded the other functionaries of this grade and determined 444 and 634 suits respectively; in the Miscellaneous Department the exertions of these Officers are creditably represented by the fact of 660 decrees having been fully executed, and 577 others partially enforced, and the prompt disposal of other matters, more or less connected therewith. Mr. Powell, the late Moonsiff of Saharunpore, who was long distinguished for general proficiency and unwearied attention to his duties, retired from judicial employment on the 16th April, and was succeeded in his Office by Mr. H. N. L. Berkeley, who is said by Mr. Lushington to have given every satisfaction, so far as he has had the opportunity of forming a judgment in regard to his qualifications and conduct, and whose assistance in attempts made by Mr. Lushington "to check the forgery and perjury, so very prevalent in this District," are acknowledged by the latter; an unreasonable application recently submitted by this Officer to be restored to the Rohilkund Division, from which he was removed for reasons reflecting no discredit upon his character, however cogent, has been rejected, and it is hoped that after the recovery of his health, the loss of which has obliged him to relinquish his duties for a time, he will return cheerfully to his duties, and labor to perfect the reputation, of which the foundation is already laid. Of the remaining four Moonsiffs, all, save Sheikh Ahmed of Chilkhanah, are favorably spoken of by the late incumbent in this Judgeship: the first in order, as regards eligibility to promotion, is Kazee Ameenooddeen the Moonsiff of Shamlee, who is characterized as "an able, shrewd, old man," and "perhaps the best Moonsiff in the District," a character, which receives confirmation from the reversal of his decision in 7 only out of 35 Appeals, tried by the Judge, or 20 per cent, and Busheeroollah the Moonsiff of Deobund, [who receives the higher rate of salary, and declined the promotion† proffered to him in appointment to the Sudder Ameenship of Goruckpore] is said to be "very highly respected," and "whatever," adds Mr. Lushington, "be the opinion held of the merits of his decisions, no one has ever impeached his integrity:" the issue of Appeals from his orders is much less favorable than is generally the case in this District, his judgment having been found fault with in 23 out of 61 cases, which underwent revision, but integrity is a pearl of such high price in a Judicial Officer, that the Court would be disposed to regret his secession, aged and infirm in ability as he undoubtedly is. Moulvee Mahomed Yuheea, the Moonsiff of Moozuffernugger cannot have credit for good judgment [the result‡ of Appeals being taken as the test], though he is reputed to give great satis-

† Vide my letter, No. 1,218, dated 10th July, 1844.
Your reply, No. 2,819, dated 27th Idem.
My letter, No. 1,480, dated 26th August.
Your reply, No. 3,948, dated 7th September.

‡

Confirmed.	*Reversed.*	*Per Cent of Reversals.*
14	8	37¾

faction by his official conduct, and "to be fit for promotion," while Sheikh Ahmed of Chilkhanah, whose judicial ability would seem to be good, his judgment having been approved in 32 out of 37 cases, which were carried up in Appeal, is thought by Mr. Lushington to enjoy "a less high character in the public estimation" than other Officers of his grade, by reason "possibly" of the "connexion, which exists between him and Fuzl Huq, the late unpopular Serishtadar of the Saharunpore Dewanny Adawlut: it is added in the minute above quoted from, that "several applications have been lately made for the transfer of cases out of his Court, perhaps without much reason, and there has been an awkward case against him concerning Tullabana, which did not terminate so satisfactorily as it might have done:" it will behove the incumbent in this Judgeship to maintain a careful watch over the proceedings of this functionary. On the whole, it may be concluded, that the inferior judicial Agency in this District is composed of men, possessing the intelligence, integrity, and attainments, which should qualify them to acquire honorable distinction, and to reflect credit on the administration, in which they are humble coadjutors.

13. It remains to notice the operations of the Judicial establishment of Deyrah Doon, which is subordinate to this Judgeship, regarding the sufficiency of which under the revised arrangement no conclusive opinion could be expressed at the date of the Court's last Report; the Civil business would seem from the marginal note to have increased, as compared with the year preceding that under notice, and that it has been efficiently met by Mr. Vansittart, who held the Office of Superintendent throughout the year, is shewn by the decision on trial of 174 suits [13 as Principal Sudder Ameen and 161 as Moonsiff] by the complete execution of 48 Decrees in both capacities, and by the reduction of arrear in both departments; but it is remarkable, that of the 174 regular suits, on which judgment was pronounced, as many as 128 were decreed either exparte or on confession of judgment—a fact, which has not elicited remark from the reporting officers. Mr. Lushington considers the duties, devolving upon this functionary, to be "amongst the most difficult to perform of any which fall to the Judge of Saharunpore and his subordinates," and his successor Mr. Benson, observing, that Mr. Vansittart "has a difficult class to deal with in the inhabitants of the Hill settlements, accustomed to dispense with legal forms, and in many instances unwilling to bow to Civil authority" commands his solicitude to discharge his duties correctly, and adds, that "Mr. Vansittart's judgment on the merits of the matters before him has been good,"—an opinion, corroborated by the confirmation of his decision in *all* the cases appealed from his Court. An apt illustration of the difficulties, with which Mr. Vansittart has to contend, is found in certain correspondence,* which passed with Mr. Lushington during the past year, and which is appended [A] to this Report for the information of Government.

As Princl. Sudr. Ameen.		As Moonsiff.	
Instituted	*Disposed of*	*Instituted*	*Disposed of*
1843, 27	38	232	207
1844, 29	22	267	287

* From Judge of Saharunpore, No. 37, dated 8th March, 1844.
From Register Sudder Dewanny Adawlut, N. W. P. to Register Sudder Dewanny Adawlut, Lower Provinces, No. 474 dated, 20th Idem.
From Register Sudder Dewanny Adawlut, Lower Provinces, in reply, No. 650, date 19th April with, annexure.
From Judge of Saharunpore, No. 95, dated 17th June.
From Register Sudder Dewanny Adawlut, N. W. P. to Register Sudder Dewanny Adawlut, Lower Provinces, No. 1211, dated 10th July.
From Register Sudder Dewanny Adawlut, Lower Provinces, in reply, No. 1202, dated 9th August, with annexure.

14. Four Special Appeals were disposed of by the Sudder Dewanny Adawlut in 1844, from Mr. Lushington's order, which was in one instance upheld, and in one reversed, the other two cases having been sent back by remand: one case, which came before the Court in regular Appeal from the Principal Sudder Ameen's Court, was similarly dealt with.

15. The very large excess of the amount, realized by Sale of Stamps filed in the subordinate Courts of this jurisdiction, over the cost of their maintenance, as shewn in the subjoined note, is remarkable.

Moonsifee.	*Cost of Establishment.*	*Amount realized by Sale of Stamps.*
Saharunpore,.....	1855	4295
Chilkhanah,.....	1680	3436
Deobund, ...	2280	4199
Shamlee,.....	1680	5990
Moozuffernugger,.....	1641 15	3689 8
Deyrah Doon,.....	0	1138 4
	9136 15	27747 12

until lately the revision of the jurisdictions of the Lower Courts was in abeyance owing to the incompleteness of arrangements in the Revenue Department, as regarded Deyrah Doon, but this obstacle has been removed by a recent declaration of the Sudder Board of Revenue, that the definition of boundaries and fiscal Divisions in that tract must be considered to have been finished, and it is hoped that the principles, set forth in the Government resolution of 30th October, 1837, and shewn by antecedent remarks to be peculiarly applicable to the Saharunpore District, may be shortly carried out. The records, though not, it is believed, in disorder, have not been arranged according to any approved system, and it is inferrible from Mr. Lushington's remarks on this head, that the mass of papers, requiring adjustment, has opposed the successful issue of his endeavors to meet the wishes of the Court and Government in this respect, but Mr. Benson in a postscript to his Report adverts to the expediency of destroying useless records, in order to make room for those, which should be preserved, and his locum tenens has been desired to submit a specific proposition on the subject.

16. In the 16th paragraphs of the Court's Report for 1843, allusion was made to the preponderance of suits for the recovery of debts on bond or otherwise and to the principles, on which they were represented by Mr. Lushington to be adjudicated, and in Appendix B. the observations and orders recorded by the Court with a view of ascertaining the origin of the peculiarity, and seeing whether "the supposed prevalence of perjury and forgery, reasonably deducible from Mr. Lushington's premises" was merely a supposition, or a reality: in the minute recorded by him, on leaving Saharunpore, Mr. Lushington has reverted to the subject, stating the steps taken by him to acquire precise information respecting it, and to satisfy the enquiries of the Court, and adducing the sentiments held and expressed by the most intelligent and respectable of the judicial functionaries subordinate to him, and the Court beg leave to recommend his remarks to the attention of Government, merely adding, in explanation of their omission to comment more particularly on the subject, that the result of the investigation instituted proved, that "of the 4028 suits for debts on bond or otherwise" exhibited in the Statements for 1843, 1544 were purely Bond Debts, and that of these only 110 were dismissed: of these dismissed suits, 20 were appealed to Mr. Lushington, who confirmed the orders of the Lower Courts in 17 and reversed them in 3 only, a result, which appeared to the Court to shew, that suits of the nature alluded to did not preponderate so largely as represented by Mr. Lushington, and to obviate the necessity of further enquiry, especially as the proportion of claims dismissed was comparatively insignificant.

MEERUT.

17. It is gratifying to the Court to observe, that the Administration of Civil Justice in this District continues to be conducted with much efficiency and success by Mr. A. W. Begbie, who, in the full and satisfactory Report, which accompanies, has entered into a careful analysis of the Tabular Statements, commenting on the results which they exhibit, and the inferences thence deducible in regard

	JUDGE.
Headings, Nos. 1 to 14,..	242
„ „ 15 to 17,..	3260
	3502

P. S. AMEEN.	
Headings, Nos. 1 to 14,..	464
,, ,, 15 to 17,..	,,
	464

to the qualifications and merits of his subordinates, and has brought under the consideration of the Court various questions of more or less importance, relating to judicial practice, which will be noticed in a subsequent paragraph. A numerical decrease of decisions on trial by all the Courts of this District, to the extent of 121, is sufficiently explained by the fact of the suits instituted having been fewer by 66, and those before the Courts likewise less numerous by 296 than in the antecedent annual period, and is further counterbalanced by a reduction of 231 suits in the amount of depending arrear, as contrasted with the state of the general file at the commencement of the period under review, results, which, considering the intermission of official labor, occasioned by changes of incumbency in several of the judicial tribunals, by Mr. Begbie's absence on leave for some days in excess of the Dusserah vacation, and by his occupation for 147 days in other than civil duties, are considered sufficiently creditable in themselves, but which, taken in conjunction with the Judge's strict and careful supervision of the subordinate Courts, and with the limitation of arrear, older than 12 months, to 8 regular cases, according to the distribution exhibited in the margin,* must be held entitled to much commendation. Of these cases, the appeals were decided by the Judge early in the present year, and in the conduct of the original suits, all of which had been remanded by the Superior Court for reinvestigation and trial de novo, 4 in December and 2 in August, 1844, no blame on the score of irregularity or inattention was imputable to the officers, before whom they were pending, while, as regards the miscellaneous branch of business, it is satisfactory to add, that no applications for execution of Decree, instituted on dates anterior to the year 1844, awaited a final order in any of the Courts of this jurisdiction. The Judge of the Court, to whose revision the Periodical Statements of Civil business from this District were subjected, was relieved by Mr. Begbie's laudable and conscientious practice of carefully examining the details therein represented, and communicating advice, instruction and admonition to his subordinates, when needed, from the laborious task of analysing their proceedings with a view either to exhortation or instruction, and found it a pleasing duty, in commenting on the operations of the last Quarterly period, to record, that their successful and creditable issue and the efficiency, of which they were thought to be an index, was no less due to Mr. Begbie's judicious exercise of his controlling authority, than to the praiseworthy industry of the Native Judges.

* Principal Sudder Ameen,	1 of 1842, 2 of 1843	= 3
Moonsiff of Hauper, ..	1 of 1842,	= 1
Do. of Puhasoo, ..	2 of 1843,	= 2
Judge Appeals,	2 of 1842,	= 2
		8

18. Mr. Begbie, confining himself, exclusively to the exercise of Appellate functions, in which he received efficient assistance from the Principal Sudder Ameen, Nuwab Abdoollah Khan, tried and decided 160 cases on the regular file, leaving an arrear of 161 for future disposal, and passed orders on the merits of 3436 miscellaneous cases, of which 181 appertained to the important matters, classed under Headings 1 to 14 of Statement No. 2, and comprised among others, 26 Petitions for summary appeal, 38 Petitions for appeal under the provisions of Regulation VII. of 1825, 11 Petitions from Paupers, 10 from Insolvents under Section 11, Regulation II. of 1806, and 15 applications for redemption and foreclosure of mortgage, all being matters, which ordinarily call for time, and deliberation in their disposal. In estimating the amount of work it must be borne in mind, that, owing to the heavy pressure of Sessions and Criminal duties, which occupied the attention and energies of the Judge for 145 days [or 46 more than in 1843] and to his absence on leave as above stated, 103 days only remained available for the transaction of Civil business, and that towards the close of the year, on the abolition of the separate office of Special Commissioner of Meerut, many of the cases, both regular and miscellaneous, which were depending in his Court, were transferred to the Judge's file, constituting an accession of labor, which Mr. Begbie repre-

sented his inability to undertake without injury to his more legitimate avocations; on the occasion of forwarding this representation to Government the Court stated, that it was in their opinion inexpedient to divert Mr. Begbie's energies from the onerous and highly important duties, with which he is charged, and somewhat hard towards one, who has the honor of his own judicial reputation and the credit of his administrative management at heart, to embarrass him by the imposition of extraneous labor; the demands made on Mr. Begbie's time and exertions by the duties of the Civil and Criminal departments, and by the obligation, resting upon him of strictly superintending the operations of the inferior tribunals, were considered by the Court sufficiently heavy to justify his desire to be relieved of a duty, which he would be unable to perform satisfactorily without detriment to the Civil and Criminal administration of this large District, but these arguments were overruled, and the original arrangement, which suggested Mr. Begbie's remonstrance, enforced ;* its effects remain to be seen, when the operations of the current year come under review. During the past year, the aid of the agency, provided by Regulation VI. of 1832, was employed in the adjudication of 3 appeals, relating to disputed accounts, and decision was pronounced in accordance with the award, delivered by the Punchayet in all, but referring to the restricted use of this enactment, Mr. Begbie expresses his conviction, that "the majority of suitors are better satisfied with the unaided judgment of a painstaking and impartial English Judge than they would be with that of native assessors,—punchayets or juries," and adds, as evidence of the unwillingness of native litigants generally to submit their causes to the judgment of their countrymen, the infrequency of resort to arbitration, agreeably to legal enactments of date anterior to 1832, observing further, that, "when people are not willing to rely on Judges selected by themselves from amongst their own countrymen, it is not likely they would be better pleased with those appointed by others." This places the subject in a light, in which it has not been heretofore considered, and suggests the propriety of keeping attention directed to the number of suits, referred to arbitration under the Regulations of 1803 and 1813, which are designed to encourage that mode of adjustment, as an index of the feeling, with which the attempt to secure the association of respectable natives with the Judges in adjudicating Civil actions is generally regarded. Before proceeding to an examination of the business performed in the subordinate Courts, the Court desire me to advert cursorily to occasions, on which they have found it necessary to complain of the delay, permitted by the Collector of Meerut, in giving effect to the requisitions of the Civil Courts, relating to execution of Decree, and to the unfavorable contrast presented in consequence by the business of this department to its condition in other Districts, where the cordial and prompt co-operation of the Revenue authorities has largely contributed to its efficiency. The Government are aware, that according to the practice heretofore observed, the interposition of the Sudder Board's authority has been always applied for in instances, which seemed to indicate inattention on the part of the Collectors, and, rarely has their interference been other than entirely efficacious, but in the Meerut District, notwithstanding the careful and zealous endeavors of Mr. Begbie, the Judge, and repeated appeals on the part of the Court to the Sudder Board of Revenue, such needless delays on the part of the Collector were still found to prevail, that the Court deemed it proper to bring under their serious consideration the question, whether the power of coercion and reproof did not, under the Regulations, rest immediately and directly with the Sudder Dewanny Adawlut, rather than with the Sudder Board of Revenue, whether the Collector's acts in carrying the Decrees of the Courts of Justice into execution were subject immediately and directly to the revision, and if needful, the reprehension of the former, or the latter, authority; in applying to the Sudder Board of Revenue for their opinion on this point, and in requesting their interference, it was remarked, with reference to the Reports for the 4th Quarter of the past year, that almost every requisition, made by the Judicial Officers, had been met in its very incipiency by an objection on the part of the Collector of Meerut, and that the proceedings of the latter, in

* Vide my letter, No. 1974, dated 18th Nov., 1844, and enclosures.
Your reply, No. 5409, dated 16th Dec. 1844.

the subsequent stages of the several cases noticed, had not been free from dilatoriness and neglect, which the Court could not but think deserving of animadversion. The subject has received the serious attention of the Sudder Board of Revenue, and there is reason to hope that before long much improvement may be manifested.

19. Four Special Appeals, preferred to the Sudder Dewanny Adawlut, ended in the confirmation of Mr. Begbie's judgment in one case, two others having been sent back by remand, and one dismissed.

20. Nawab Abdoollah Khan continued without intermission to act as Principal Sudder Ameen during the past year, and evinced creditable industry in the disposal of 356 regular suits, of which 302, comprising 86 original cases, and 216 appeals from the decisions of the Sudder Ameens and Moonsiffs were decided on trial, and in the determination, after full investigation of the merits, of 243 miscellaneous cases under the first 14 Headings of Statement No. 2, inclusive of 101 applications for execution of Decrees struck off after full enforcement, besides giving aid to the Magistrate by the disposal of a few Criminal cases, transferred to him for that purpose; to the above is to be superadded the partial settlement of 140 adjudicated claims, which, according to an erroneous practice followed in this and other Districts in the preparation of Statement No. 2, have been represented as "struck off on default," whereas the time and the labor, occupied in carrying out partial execution of a decretal order, may be fully equal to that incurred in its complete enforcement, and the mode of entry should be accordingly altered. When the year under report ended, no more than 55 Regular suits awaited decision in this Court, the protraction of 3 beyond the period of a year being as above mentioned, ascribable to unavoidable impediments, and not to dilatoriness on the Principal Sudder Ameen's part, while the file of the Miscellaneous department, though exhibiting a small accession of arrear, as contrasted with its condition at a corresponding period of 1843, comprised no case of older date than the period under notice, and appears to have received all the attention, that its importance demanded. Beyond an incidental remark, respecting the approximation in the result of appeals tried by the Principal Sudder Ameen, to the issue of those heard and adjudicated by the Judge, as evidencing the ability with which this part of his duty has been performed, Mr. Begbie has expressed no opinion of the Principal Sudder Ameen's official conduct during the past year, whence it may be presumed, that he continues to be satisfied with the exertions, and the judicial qualifications of his subordinate, whose judgment is not unfavorably represented by the confirmation of his order in 28 out of 44 cases revised by the Judge in appeal, and by a similar termination of 3 out of 5 appeals [4 Regular and 1 Special] heard and determined in the Sudder Dewanny Adawlut; of the two remaining cases, 1 was sent back by remand, and in the other the Principal Sudder Ameen's judgment was reversed.

21. The 21st paragraph of the Civil Report for 1843 alludes to the inefficiency of Abdool Wahid Khan, Sudder Ameen, the consequence of advanced age, and to his approaching retirement on pensionary support, considerations, which induced the Court, previous to the arrival of his successor, Moulvee Mahomed Kureemkoolee, on the 1st July, to restrict his operations to the discharge of such current duties, as would not admit of postponement; the suspension of work occasioned by this limitation of his powers, and by the subsequent removal of his successor, Mahomed Kureemkoolee* to officiate as Principal Sudder Ameen of Agra, as mentioned in another part of this Report [paragraph 52] necessitating another change of incumbency in this Office, will be received as a sufficient explanation of the decisions on trial in this Court having been restricted to 154,† and of the small addition

* Appointed Sudder Ameen of Meerut by orders of Government, No. 1497, dated 20th April, 1844.

† By Mahomed Abdool Wahid, late Sudder Ameen, 45
By Mahomed Kureemkoolee, Sudder Ameen, from 1st July to 5th October, 1844, ... 73
By Baboo Shama Churn Banurjee, Acting Sudder Ameen, from 14th Novr. to 31st Decr. 36
154

* By Mahomed Abdool Wahid, late Sudder Ameen,	58
By Mahomed Kureemkoolee, Sudder Ameen,....	185
By Baboo Shama Churn Banurjee, ...	92
	335

to the amount of arrear, awaiting disposal at the end of the year, which the Statements exhibit; the individual performances of the several Officers, who presided in this Court, are shewn in the marginal table, and call for no remark. The work transacted by them in the Miscellaneous Department comprehended the disposal of 335* cases of all descriptions, of which 137 had orders passed on their merits, and included 79 decrees, carried out to complete execution, while at the same time 103 others were partially settled. Any remark in regard to the judicial ability of Abdool Wahid Khan appears uncalled for by reason of his retirement from public employment, and of the judgment, displayed by Mahomed Kureem Koolee, and his temporary locum tenens in the adjudication of suits, coming before them, no opinion can be recorded, seeing that before the close of the year, no Appeals from their decisions came to a hearing: such frequent mutations of incumbency, as have occurred in this Office [unavoidably] during the period now received, are much to be deprecated, as tending to disturb the continuity of judicial labor, and to impair in a large measure the efficiency of the tribunal, in the presidency of which such changes may happen to take place.

22. Before denoting the quantity of business disposed of by the 7 Moonsiffs of this District, it appears advisable to state, that in the Moonsifees of Soorujpoor, Boolundshehur and Burote, changes of incumbency have occurred by the transference of Mr. V. Berkeley, in the month of June, from the first named jurisdiction to the second, in succession to Syud Talib Alee, whose dismissal was noted in the 25th paragraph of the last Report, by the appointment of Kunhya Loll to succeed to the vacancy thus occasioned, and by the illness, primarily, and subsequently the demise, of Khajeh Humeedooddeen Ahmed, the Moonsiff of Burote. By these Officers collectively 2690 regular suits were determined on trial, 802 of which were decreed exparte, and 996 on confession of judgment, yielding an average of 384 to each Officer, and the details, contained in the Statements, shewing that all, save the Moonsiff of Khutowlee, exceeded the prescribed standard, and in his case, the origin of the deficiency is apparent in the small amount of arrear remaining for disposal at the end of the year, which comprised only 84 cases. They have likewise displayed commendable industry in the other branch of their business, having disposed of 3702 miscellaneous cases of all descriptions, in which is comprised the complete or partial enforcement of 1965 Decrees, in the proportion of 768 to the former, and 1,197 to the latter category, and have succeeded in exhibiting, at the end of the period under report, files free from the encumbrance of cases, instituted prior to its commencement; the ordinary arrear in both departments was such as to prove the numerical adequacy of the subordinate Judicial Agency to the demands upon its energies, and in regard to the three regular suits of longer standing than a twelvemonth, it has been already noted, that their protraction was not attributable to remissness on the part of the Moonsiffs of Haupur and Puhasoo, in whose Courts they awaited decision. By the remarks incidentally made in the 22nd paragraph of the Report for 1843, Mr. Begbie's attention has been directed to the large proportion, borne by adjudications exparte and on confession of judgment, to the aggregate of decisions, and in the 47th paragraph of his letter he admits, in reference to the former, that ground for suspicion is thereby afforded, " for want of care in issuing notices to Defendants," "a point," observes Mr. Begbie, " which I have striven to remedy, by repeated admonitions to the Moonsiffs," not altogether without effect, as shewn by a comparison of the suits tried exparte during the two past years: whether the inference deduced by Mr. Begbie from the preponderance of suits, decided on confession of judgment, the existence, namely, of fraud and collusion on the part of the litigants, be well founded, it may be needless in this place to enquire, but no harm can result from the intimation, given by Mr. Begbie to the several Moonsiffs, subject to his authority, that the progressive decrease of these two modes of adjudication " will be esteemed a favorable symptom in the administration of their respective Districts, as evincing increased cau-

tion in notifying the institution of suits to Defendants, and in the prevention or detection of the institution of collusive suits.

23. The judicial qualifications of the Moonsiffs are not unfavorably represented by the result of appeals from their decisions, heard by the Judge and Principal Sudder Ameen before the expiry of the period under report, and so far as that may be considered a just criterion, it speaks well for the care bestowed on the investigation, and the discrimination exercised by these Officers in the determination, of the cases, coming before them. Out of 288 orders of the lower Courts, revised in appeal according to the proportion given in the margin, 190 met with confirmation, or nearly 66 per cent, while decisions passed in contested* suits were appealed from in the rather large proportion of 35 per cent, but from this general statement it is right to disconnect the issue of appeals from orders passed by Baboo Shama Churn Banurjee, the Moonsiff of Meerut, and Mr. V. Berkeley, lately transferred from the Soorujpoor to the Boolundshehur Moonsifee, their judgment being very creditably shewn by the subjoined table, which justifies the favorable testimony borne to their merits by the Judge.

	Tried.	*Confirmed.*	*Reversed or Modified.*
By Judge, ...	98	63	35
By P. S. Ameen,	190	127	63
	288	190	98

* Total decided on trial, ... 2690 *Appeals*
Decided Exparte and Ikbal Dava, 1798 *Confirmed.*
892 312

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Per Cent of Reversals.*
Baboo Shama Churn,....	38	30	8	21 per cent.
Mr. V. Berkeley,.....	26	21	5	19 per cent.

Of these two Officers, the former has been recently nominated to officiate as Principal Sudder Ameen, and the latter as Sudder Ameen, during the absence,† on leave for three months, of Nuwab Abdoollah Khan, who has been pronounced by professional opinion temporarily unable, on account of serious indisposition, to discharge the duties of his station with the requisite energy and effect. It only remains to add, in regard to the functionaries of this grade, that the performances of Kunhya Loll, who was appointed during the past year to be Moonsiff of Soorujpoor, are said to have been highly creditable to him, and that Ram Suroop, Moonsiff of Haupur, objecting to the Court's order for his removal to Sheorajpoor in the District of Cawnpore, has recently tendered his resignation, which has been accepted on the ground, that private inclination must be made to yield to the exigencies of the public service, and that the latter must inevitably suffer, if objections of the nature, urged by Ram Suroop, be considered admissible. It will be in the recollection of Government, that certain charges of misconduct, which, if established, would have rendered him unfit for further employment in the Judicial Department, were brought against this Officer in a Petition, which was forwarded‡ to the Court for enquiry and report, and that the investigation directed, in pursuance of the desire expressed by Government, fell to the ground by reason of the non-appearance of the parties, whose names were attached to the Petition, to prosecute the charges contained in it; the Court take this opportunity of expressing their concurrence in the opinion, recorded by Mr. Begbie on that occasion, that "the existing Laws regarding complaints against Native Judicial Officers are incomplete and insufficient for their protection" from groundless and malicious charges, preferred against them "under the influence of private resentment,"—a protection, adds Mr. Begbie, which" "is due to those functionaries, who are, as the Law at present stands, liable to the" most libellous

† Vide my letter, No. 753, dated 28th April last. Your reply, No. 1980, dated 10th May.

‡ Vide your Docket, No. 1195, dated 30th March, 1844.
* My letter, No. 1213, dated 9th July, with enclosures.

attacks, while those, who make them, are completely screened from judicial retribution."

24. Subjoined is a statement, shewing the cost of the subordinate Judicial Establishments during the past year, and the amount realized by sale of stamps filed in each Court, which is satisfactory in exhibiting an excess of the latter over the former to the extent of Rupees 7,718-2.

Moonsifee.	*Cost.*	*Amount realized by Sale of Stamps.*	
Moonsifee Meerut,..... *Rs.*	1,680	..... Rs.	2,557 12
Moonsifee Hauper,.....	2,280	.....	4,658 8
Moonsifee Soorujpoor,.....	1,680	.....	3,560 8
Moonsifee Boolundshehur,.....	1,680	.....	2,978 0
Moonsifee Puhasoo,.....	2,280	.....	2,075 0
Moonsifee Khutowlee,.....	1,680	.....	2,233 0
Moonsifee Burote,.....	1,680	.....	2,615 6
	12,960		20,678 2

The execution of a proposition, submitted by Mr. Begbie since the commencement of this year, for the adjustment of the subordinate Civil Jurisdictions in this District in accordance with the principle laid down by the Resolution of Government and the Circular Orders of the Court, has been held in abeyance, until the Judge of Saharunpore shall assent to the annexation of certain tracts, now included in Meerut, to his jurisdiction, and shall make corresponding arrangements in the District under his controul; the only obstacle to their completion has been recently removed by a declaration on the part of the Sudder Board of Revenue, that the determination of fiscal boundaries in Deyrah Doon must be considered to have been accomplished. In the 48th, 49th and 50th paragraphs of the Judge's report allusion is made to the record department of this Judgeship, which appears to be in efficient working condition, and the Court have every confidence in Mr. Begbie's ability and desire to perfect those parts of the arrangement, which still remain incomplete, but, as this is obviously impracticable until the accommodation required be provided, it has been suggested, in pursuance of Mr. Begbie's request to that effect, that the Magistrate should be required to remove to his own Office the records appertaining to his department, which are said to be at present deposited in the Judge's Kucherree, or to state whatever objections he may have to offer, for the information and orders of the Court.

25. In the 29th and following paragraphs of his Report, Mr. Begbie has discussed various questions of general interest and importance, which may perhaps be briefly alluded to in this place with propriety and advantage. With reference to his remarks regarding imperfect service of process [paragraph 29] Mr. Begbie has been informed, that the affixion of *one* proclamation, as therein set forth, for the appearance of 2 or more Defendants, to any place of public resort in their village, would not fulfil the requirements of the Law, but that Section 22, Regulation XXIII. of 1814 contemplates, in the opinion of the Court, the issue of a separate proclamation for *each* of the absent Defendants, and the suspension of "a copy of the same on the outer door of *the* Defendant's usual place of residence, or some conspicuous place" near such residence, and he has been desired to enforce the observance of this practice on the part of the Moonsiffs in future. In regard also to the mode of summoning witnesses ["the having them brought in by the Chuprassee, who serves the notice"] which Mr. Begbie [paragraph 31] denounces as illegal, it has been held by the Court, that they may either accompany the Peon, or follow him, and that, as long as no compulsion is used, there seems to be no dircet

violation of the Law [Section 29, Regulation XXIII. of 1814] nor any sufficient reason to disturb the practice which has heretofore prevailed, at the risk of giving rise to much inconvenience, and injury to the general interests of the community. The Judge's opinion [paragraph 32] relative to the expediency of re-enacting Section 14, Regulation XVI. of 1814, which prescribes certain observances on the transfer of stamped paper by the original purchaser, may be thought worthy of attention by the Government, but the majority of the Court are opposed to such a measure, being impressed with a conviction, that so far from operating as a check on the fraudulent transactions, which it was designed to prevent, or affording any additional security against them by necessitating the attestation of each re-sale by the signature of witnesses, it would rather tend to the aggravation of the evil, and hold out temptations to the commission of perjury, which a people, so little mindful of the force and obligation of an oath, as are the natives of this country, when their own interests are concerned, would be unable to resist: in the opinion of the majority, fraud would be perpetrated to the same extent, and the offence of perjury would be, in addition thereto, propagated and fostered by the proposed measure. The contravention of the Provisions of Regulation VI. of 1830, brought to notice in the 33rd paragraph, has been made the subject of a Circular Order,* having for its object the prevention of similar irregular practices in other Districts of these Provinces, and, in adoption of the suggestion contained in the 39th paragraph, the Court have thought fit so far to modify the rules in force for the transmission of the records of decided cases from the Lower Courts, as to direct, that the papers, connected with *Appeals*, adjudicated by the Principal Sudder Ameens, shall be allowed to remain in their custody for a period of six months, in case any of the parties should desire to Appeal specially from their orders to the Sudder Dewanny Adawlut,—while, as regards the Jail, [paragraph 38] the supervision of which has been lately withdrawn from the Court, the insufficiency of accommodation for Civil prisoners and the highly objectionable alternative, resorted to in consequence, of confining Civil debtors in the same ward with convicted felons has been brought specially under the notice of Government—with a view either to the mitigation of the evil, or the provision of an adequate remedy, in my letter, No. 793, dated 29th Ultimo. The Court have only space to advert further to the practice, said to exist in the Meerut District, of delivering a document, denominated "Sunnud-Neelam" under the seal and signature of the Judge, to the Auction purchasers of property, sold either by his own order or that of the subordinate Courts, in execution of their decree, and to the rule observed by the Collector of Boolundshehur, of crediting to Government the deposit forfeited on failure of Auction purchasers to make good the purchase money of property, sold by the Revenue authorities in pursuance of the Court's injunctions; the former practice, being considered superfluous and objectionable, has been interdicted, and in regard to the latter Mr. Begbie has been supplied with a copy of my letter, No. 407, dated 24th February, to the Secretary Sudder Board of Revenue—appended [B.] to this Report, as expressive of the Court's opinion on the point, and has been directed to report specially any contravention of the principle, which it inculcates, should such fall under his observation in future. In adding, that the arguments advanced by Mr. Begbie in the 41st paragraph regarding the allotment of Pleaders to the Court of the Judge and Principal Sudder Ameen, have failed to alter the sentiments entertained by the Court on this subject, as set forth in Appendix L. to the last Civil Report,—that the rule [paragraph 44] introduced by Mr. Glyn, under date the 22nd January, 1835, in the Moonsiff's Courts, of requiring documentary evidence to be filed by Plaintiffs, simultaneously with the institution of their suits, has been denounced as irregular, and interdicted,—and that the repetition of a solemn declaration, on each occasion of a Moonsiff's transference from one jurisdiction to another within the limits of the same District, as heretofore done in Meerut [paragraph 34], has been pronounced needless,—the Court believe they have left nothing of any importance, treated of in Mr. Begbie's Report, unexplained.

* Vide my Docket, No. 796, dated 29th April, and Agra Government Gazette, dated 20th May, 1845.

ALLYGURH.

26. The state of Civil business in this District is not otherwise than satisfactory; it is true, that while the number of suits before the several Courts in 1844 was larger than in the preceding year by 366, commensurate advance was not made in the quantity of work performed so as to meet this increase, the disposals, after trial or otherwise, having been more numerous by 113 only, during the period under report, while the general file represents a more considerable arrear by 253 cases, but this is readily explained by a change of incumbency in the office of Principal Sudder Ameen, and by interruptions to the continuity of the Moonsiffs' labors for various periods, amounting collectively to 8 months; these were unavoidably occasioned by the removal* of one, the Moonsiff of Kasgunje, to another District in a superior capacity, by the suspension† of another, the Moonsiff of Hatrass for nearly 2 months pending the investigation of charges of corruption and illegality of proceeding preferred against him, by the resignation‡ of a third, the Moonsiff of Coel, by the demise of a fourth, the Moonsiff of Jullessur, and the delay incurred in the nomination of successors, and by the transfers, which these several incidents seemed to render advisable: these frequent mutations are always to be deprecated and lamented, but the Court know not, that in the instances referred to they could have been easily avoided, except indeed the transfers, which, however, were sanctioned with a view of removing the late incumbent of the Hatrass Moonsifee from a place, where his late prosecution originated, and where he would continue liable to unmerited suspicion and obloquy, and of providing for the judicial business of the Hatrass Court, considered the most difficult jurisdiction in the zillah, by transferring thither an officer of experience Mahomed Ulee Ruza Khan, from Ryah, preferably to the appointment of a functionary, new to office. When the period under report ended, the arrear, of longer standing than a twelvemonth, comprehended 16 regular suits and 10 applications for execution of Decree, according to the distribution given in the Marginal§ note, besides 8 other cases of no importance under Heading 17 of Statement No. 2, which latter were disposed of before the date of the Judge's report [21st May]: it is further satisfactory to observe, that of the 16 regular suits abovementioned, all of which had been remanded for reinvestigation and restoration to their original number on the files of the Lower Courts, one only awaited decision at the close of March last, while at the same period the miscellaneous applications before the Principal Sudder Ameen had been likewise disposed of, and no longer encumbered the file. Of the proceedings in these cases, as represented in the explanatory details, submitted with the returns for the last quarter of the past year, little reason was found to complain, but the Judge of the Court, to whose revision the periodical statements were subjected, thought it desirable to reprehend the delay, observable in the original hearing and decision of appealed causes, as being opposed to the spirit of Clause 3, Section 16, Regulation V. of 1831, and to remark, that, were promptitude shewn in that stage of the proceedings, few cases would, at the period of their being remanded, be of longer standing than a twelvemonth.

JUDGE.

Headings, Nos. 1 to 14,..	393
,, ,, 15 to 17,..	6348
	6741

P. S. AMEEN.

Headings, Nos. 1 to 14,..	668
,, ,, 15 to 17,..	1022
	1690

* Vide paragraph 31 of last Report.

† Vide paragraph 31 of last Report.

‡ Vide paragraph 31 of last Report.

§	*Original Suits.*	*Appeals.*			*Applications for execution of Decree.*
Principal Sudder Ameen,	7	1	=	8	10
Moonsiff Hatrass,.. ..	1	0	=	1	0
Moonsiff Atrowlee,.. ..	3	0	=	3	0
Moonsiff Koel,..	4	0	=	4	0
				16	10

27. Owing to a very considerable diminution of labor in the Criminal Department, the duties of which occupied only 58 days in 1844 [or 30 less than in the preceding year] more

time was available for devotion to the conduct and supervision of the Civil Administration, and during the 188 days thus engrossed, Mr. Tierney, who presided as Judge throughout the year, decided on trial 160 regular suits [all but one, appeals] without calling into operation, in any instance, the provisions of Regulation VI. of 1832, in regard to which his sentiments, as represented in the 28th paragraph of the last Report, remain unchanged; in the Miscellaneous Department orders were passed on the merits of 322 cases and Petitions, under Headings 1 to 14 of Statement No. 2, comprising among others 48 Petitions for Summary Appeal, 182 Petitions of Appeal under Regulation VII. of 1825, and 24 applications from Paupers under Regulation XXVIII. of 1814, and a great many more under the remaining Headings of the same Statement; the result of Mr. Tierney's exertions is creditably shewn by the reduction of arrear in both branches of business, as contrasted with the state of his files at the commencement of the year under review, and by the recent institution of the cases, which required determination, especially when the additional labor imposed upon him by the orders* of Government, which, on the abolition of the Special Commissioner's Court at Meerut, delegated to him a portion of its duties, and the anxious as well as onerous charge of superintending the administration of a large and important jurisdiction, are considered. The Court continue to be satisfied with the activity and carefulness of Mr. Tierney's supervision, no less than with his personal assiduity, but they think, that his energies may be exerted with more useful effect, whenever the extent of his jurisdiction, and the pressure of business, devolving upon him and the Principal Sudder Ameen, may be reduced by the transference of the Moonsifees of Ryah and Juleysur to the Agra Judgeship, according to a plan, which, though reported in the 30th paragraph of the Civil Report for 1843 to be in contemplation, has not been yet carried into execution, owing to the incompleteness of the corresponding arrangements in the Revenue Department of the Muttra District. From the Judge's Court 4 Special Appeals came before the Sudder Dewanny Adawlut during the past year, of which 1 terminated in the reversal of Mr. Tierney's judgment, and the remaining 3 were sent back by remand.

* Government Orders dated 9th June, published in *Agra Government Gazette*, of 27th June, 1843.

28. Zuhoor Alee, the circumstances of whose resignation and retirement from the public service, are described the 29th paragraph of the Court's last Report, continued to perform the functions of Principal Sudder Ameen in this District until the 19th May, 1844, when he was relieved by his successor Vilayut Alee Khan, who, at his own request, and on account of the certified uncongeniality of the Goruckpore climate, as well as his repeated illness, was transferred to this jurisdiction; in the objects, proposed to himself by Zuhoor Alee in resigning his situation under Government, he has been disappointed, and it is hoped, that an opportunity may offer of re-admitting to the Judicial Department one, who was during the whole period of his service remarkable for "uprightness of conduct" and "zealous industry," and who to the last maintained an unimpeached reputation. By these two Officers jointly, 256 regular suits, [of which 159 were original, and 87 appeals] were brought to decision on trial, and final orders were passed, after investigation of the merits, on 338 miscellaneous cases and petitions under the 14 important Headings of Statement No. 2, inclusive of 182 applications for execution of decree, struck off after full or partial enforcement, and of 113 cases of objections, preferred in course of execution, the prompt and satisfactory determination of which is essential to the efficiency of this department. In the marginal† Statement is exhibited the measure, in which each of these functionaries contributed to the disposal of the business abovementioned, and if the decisions in the regular branch be, as indeed they are, numeri-

†

	Regular Suits Tried.	Miscellaneous Cases. *Headings, 1 to 14.*		Execution of Decrees. *Headings, 15 to 17.*	*Fully Executed.*	*Partially Executed.*
Zuhoor Alee, ..	85	115	}	1019	29	37
Vilayut Alee, ..	171	223			68	48
	256	338		1019	97	85

cally inadequate with reference to the established minimum standard, the operation of Act XII. of 1843, no less than the extraordinary pressure of miscellaneous business in this Court, must be borne in mind as circumstances of extenuation, before insufficient industry, or official inaptitude be imputed to them. The latter consideration, added to the expediency of relieving the Judge's files in such manner, as to admit of greater promptitude in the original hearing of appeals preferred to his Court, led to the submission of a proposal* which has been recently approved, of adding to the subordinate judicial Agency of this Zillah by the appointment of a Sudder Ameen [the abolition of that Office at Allahabad having been disallowed, vide infra paragraph 99] who, it was found on enquiry, would find adequate employment in the trial of suits, referrible under the Law to his peculiar jurisdiction, and in the execution of Decrees, therewith connected—duties, which have heretofore devolved upon the Principal Sudder Ameen, and have served to circumscribe his usefulness and efficiency, as an auxiliary in the disposal of appeals from the inferior tribunals. As another argument in favor of this addition to the Establishment at Allygurh, may be mentioned the "old cases of execution of Decree, left unrecorded" by former presiding authorities, and "restored to the file under orders of the 4th October, 1839:" it will be found, on reference to the 13th paragraph of Mr. Tierney's report, that, of the 10061 applications in this predicament, only 427 have been proceeded with by the Decree-holders to a termination during the past five years, and it may be reasonably expected, that, of the remaining 9634, others will be from time to time revived, and add to the labors of the already over-worked Courts of the superior grade: time and experience will shew whether the additional agency alluded to shall be permanent, or of merely temporary duration, but the considerations, in which it has originated, and the comparatively insignificant reduction [paragraph 11 of Judge's report] which will be effected in the appeal files by the transference of the Ryah and Juleysur Moonsifees to the Agra jurisdiction, lead to the former conclusion. The services of the Principal Sudder Ameens were not availed of in the Criminal Department.

* My letter, No. 802, dated 30th April, 1845, with enclosures.
Your reply, No. 2,173, dated 23rd May.
My letter, No. 998, dated 4th June, 1845.

29. Of Zuhoor Alee's judicial ability it may be thought unnecessary to record any other opinion, than may be implied in the mere fact of his orders having met with confirmation in 20 out of 30 regular Appeals, preferred from his decisions and adjudicated by the Judge during the past year, while of Vilayut Alee Khan's qualifications Mr. Tierney had enjoyed small opportunity of forming a judgment; he observes, however, that from the paucity of appeals instituted to obtain reversal of his decisions, satisfaction on the part of litigants may be reasonably inferred, and that proceedings, which have passed under review since the close of the period under report, "shew care in investigation and good judgment": this Officer has brought with him an "excellent character" from the District, which he has recently left, and will, there is reason to expect, vindicate his title to this commendation by an earnest, painstaking and able discharge of the duties, now committed to him. The Sudder Dewanny Adawlut found no reason to interfere with the judgment of Zuhoor Alee in 1 out of 5 [3 Regular, and 2 Special] Appeals brought before them, reversing his order in the like number, and remanding the remaining three [3] cases for re-investigation and re-trial.

30. In a preceding paragraph the interruptions, caused to the operations of the Moonsiff's Courts during the past year, have been incidentally alluded to, as accounting for the accession of arrear, apparent on the general file, and it may be sufficient in this place to mention, that the tribunals, located at Atrowlee and Khyr, were alone free from them,—and that to the same causes a falling off, observable in the quantity of miscellaneous business disposed of, is to be ascribed. Nevertheless such has been the commendable diligence of these functionaries, that the decisions after trial in regular suits, amounting in number to 2409† fell short by 6 only of the number pronounced in 1843, when such obstacles to continuous application did not offer, and that, in addition thereto, 2812 miscellaneous cases were disposed of

† Of which decided—
Exparte, .. 502
Ikbal Dava, . 1155

after investigation of the merits; of these 1328 related to decrees, either fully or partially enforced, in the proportion of 539 to the former, and 789 to the latter category, and no arrear of old date remained for future disposal, when the period under review came to a termination.

31. As some of these Officers presided in different Courts during the past year, a table, exhibiting their individual performances in the regular department, is entered in the margin, and will be found to justify the commendatory terms used in their regard by the Judge. The resignation of Boozoorg Alee, Moonsiff of Koel, which occurred shortly after the junction of the judicial office with that of Mahomedan Law Officer in one individual was recognized*in certain special cases, afforded a favourable opportunity of rewarding the highly meritorious services of Mooftee Inayet Ahmed, [who has been on more than one occasion recommended to the notice of Government] by appointing him to succeed to the vacant office, and since his installation he has vindicated the discrimination of the Court, and at the same time asserted a title to consideration, by the exhibition of great industry and much judgment in the discharge of his novel duties, having during the 4 months of his incumbency, notwithstanding the intermediate adjournment of the Courts on account of the Dussehrah Vacation, decided 279 regular suits, at the high monthly average of 70, and displayed great activity, at the same time, in the miscellaneous department, by the investigation and determination of 298 cases of that nature, including the full or partial enforcement of 143 adjudicated claims. For the failure of the Moonsiff of Atrowlee to attain to the prescribed minimum of decisions no excuse is found in the state of his file, which at the close of the year exhibited an arrear of 151 cases, and Mr. Tierney has accordingly "urged him to greater exertion," and, with reference also to the unfavorable result of appeals from his decisions, "to greater cautiousness" in future. Although the suits collectively disposed of, after trial, by these functionaries, are numerous, it will not escape observation, that those decreed exparte, or on confession of judgment compose the large proportion of 64 per cent, but the Judge's remarks on these points [paragraph 15] are sufficient to satisfy the Court, that in the conduct of proceedings relating to the former all legal precautions in the service of notice and proclamation are carefully observed, and that, as regards the latter, the legal privilege of confessing judgment is not perverted to sinister purposes by suitors on the one hand, or availed of by the Moonsiffs, on the other, to promote fictitious litigation; conclusive evidence of this is found in the Judge's assertion, that he does not recollect to have ever received a regular appeal against a decision passed on confession of judgment, and that he remembers "only a single instance of denial of Ikbal Dava on execution of the Decree."

Disposed of on trial.

1 Khyr, ...	317	.. ..	by	Moobarizooddeen, ...	317
2 Hatrass, ..	303	of which by		Goolam Ghouse,..	207
				Aleeruza Khan, ...	96
3 Kasgunje, ..	386	.. ....	by	Mahomed Hussun Khan,	185
				Ghoolam Ghouse, ...	201
4 Atrowlee,.. ..	293	.. ..	by	Mahomed Zeeaooddeen,..	293
5 Koel, ...	482	of which by		Boozoorg Alee, ...	203
				Mooftee Inayet Ahmed ..	279
6 Juleysur,.. ..	302	.. ..	by	Eoosufshah, ...	51
				Mah Buksh, ...	138
				Subheeooddeen, ...	113
7 Ryah, ...	326	.. ..	by	Aleeruza Khan, ...	227
				Moheeooddeen, ...	99

Total number of suits decided by
Ghoolam Ghouse,.. .. 408
Aleeruza Khan, ... 323

* Vide my letter, No. 1272, dated 20th July, 1844. Your reply, No. 2977, dated 7th August, 1844.

32. In the marginal extract from the appeal statement is represented only the result of appeals, tried from the decisions of incumbent Moonsiffs, and the particulars are so arranged, as to show the proportion of each individual's decisions confirmed and reversed, without reference to the juris-

	Tried.	*Confirmed.*	*Reversed.*	*Per Cent of reversals.*	*Per Cent of Appeals instituted during the year, to decisions.*
Mobarizooddeen, Moonsiff of Khyr,..	12	8	4	33·1-3rd	2¼

	Tried.	Confirmed.	Reversed.	Per Cent of reversals.	Per Cent of Appeals instituted during the year to decisions.
Goolam Ghose late Moonsiff of Hatrass and Moonsiff of Kasgunje,	42	31	11	26·1-5th	10·1-20th
Zeaooddeen of Atrowlee,	16	7	9	56¼	9½
Aleeruza Khan late of Ryah and now Moonsiff of Hatrass, ...	19	11	8	42	11·3.5ths
(a)	89	57	32	36	
(a) By Judge, ...	54	30	24		
By P. S. Ameen,	35	27	8		
	89	57	32		

* Vide your letters, Nos. 2648, and 4205, dated respectively 17th July, and 24th September, 1844, and reply to my letter, Nos. 1262 and 1704, dated 2d July and 12th September.

diction, to which they severally apply; if the judgment of Ghoolam Ghose be represented in a very advantageous light by the reversal of only 11 from among 42 orders contested in appeal, or in the proportion of about 26 per cent, it must be remarked, that the appeals preferred from the orders of Mobarizooddeen, Moonsiff of Khyr, and Alee Ruza Khan, late Moonsiff of Ryah [both of whom were advanced* to the superior grade during the past year] are unusually few, bearing a proportion of no more than 2¼ and 11·3-5ths per cent, respectively, to the aggregate amount of their decisions on trial,—the latter perhaps, being, of the two, the most satisfactory test of judicial ability, and affording the best evidence of the confidence, reposed by the litigant community in the integrity, impartiality and judgment of the officers concerned: the result exhibited in the margin is likewise in this respect creditable to the official character of Zeaooddeen, and the Court would be reluctant, while so few appeals continue to be instituted, to regard a large proportion of reversals as being *per se* conclusive evidence either of carelessness or of inefficiency: the proceedings in such cases may possibly indicate ignorance of Law, or culpable negligence, or absolute incapacity to form a judgment on the facts of a case, but that appeals should be few from a Court, so administered, is repugnant to all reasonable supposition. The Officers newly appointed during the past year, Subheeooddeen and Ghoolam Moheeooddeen by name, have been subjected to supervision for too short a period to admit of any estimate being formed of their qualifications, but they have already proved themselves diligent, and give promise, observes the Judge, of becoming "efficient Judicial Officers." In regard to these Courts it is only necessary to add, that the aggregate cost of their maintenance was more than counterbalanced by the revenue, realized from the sale of stamped paper, as shewn by the subjoined Statement, and that the proposal, submited† by Mr. Tierney for the modification of the subordinate jurisdiction, has been necessarily held in abeyance, until the arrangement of Fiscal divisions in the Muttra District shall have been completed, and until the Judge and Commissioner of Agra shall have signified their assent to that part of the plan, which contemplates the transfer of the Pergunnahs, comprised within the Moonsifees of Ryah and Juleysur to the latter District.

† Under date 26th March.

Moonsifees.		*Cost of Establishment.*	*Stamp Revenue realized.*
Khyr, ...	*Rs.*	1,971	2,300 8
Hatrass, ...		1,830	1,873 4
Kasgunje, ...		1,982 8	1,468 10
Atrowlee, ...		1,680	2,124 8
Koel, ...		1,843 7 2	2,714
Juleysur, ...		1,426	1,777 12
Ryah, ...		1,594 4	1,811 6
Total, ...		12,327 3 2	14,070

33. On the subject of the 33rd paragraph of the Civil Report for 1843, correspondence* has since passed with Government, which has resulted in a requisition being addressed to the Military Board to submit an estimate for the erection of a separate building for the occupation of the Principal Sudder Ameen, and for the enlargement of the Judge's Court House in the manner, recommended jointly by Mr. Tierney and the Superintending Engineer of the Division; of the steps subsequently taken the Court have received no intimation, but they will hope, that the inconveninence now occasioned, and the impediment, existing to the perfect adjustment of the judicial records at Allygurh by the insufficient and unsuitable accommodation, will be shortly removed; it is shewn by the Judge's report [paragraph 36] that the sum of Rs. 2,335: 11: 11 has been up to this time expended in reducing the records of this Judgeship to some degree of order, and it would hardly be a wise economy to obviate the realization of all the benefit, that might result from this expenditure and the attention bestowed on this department, by withholding the outlay necessary to provide a fitting receptacle for the papers. At present little difficulty is experienced in tracing any record required for reference, and the facilities are likely to increase, as the method of arrangement, proposed by Mr. Harington, and approved by the Court, which is applied, as far as practicable, to all in-coming records, is brought into full operation. It may be added, that agreeably to the sanction conveyed in your letter No. 323, dated 24th January, 1844, old and useless papers up to the 1st January, 1831 have been destroyed, and the sum realized from the sale of the torn fragments, amounting to Rupees 210: 12: 0, is to be appropriated to the construction of racks, as occasion may arise.

* My letter, No. 2208, dated 28th Decr., 1844. Your docket, No. 349, dated 25th Jany., 1845.

34. In your letter, No. 2003 dated 10th Ultimo, it is remarked with advertence to the 34th paragraph of the Court's last Report, that the provisions of Act XXIII. of 1840 do not seem to require the attestation, on oath, of the signature attached to process, issued under that enactment: the Court, fully concurring in this opinion, beg leave to observe that, as all processes under that Law must be served through the intervention of the Judges of the Supreme Court, it matters little whether the construction, assumed by the Government, be correct or not, so long as the Supreme Court insist upon the observance mentioned, and to repeat in the terms of the Report for 1843, that "in the majority of instances such attestation, and, as a matter of course, the serving of Process under the Law cited, will be impracticable."

35. The subject, mentioned in the last paragraph of Mr. Tierney's Report, has been brought separately under the consideration of Government with what result is not yet known, but it may contribute to the usefulness of this Report (which under the orders of Government is printed for general information) to advert briefly to it. The practice described* by Mr. Tierney is believed to be generally followed in all cases of resistance of process, issued by the Civil Courts, and is certainly unsanctioned by the Law [Sections 23 and 26 Regulation III. of 1803] which declares such resistance punishable: apart from the unjust and illegal exaction, involved in requiring from suitors the payment of Tulubana for the service of the prescribed summons against the offenders, it appears to the Court, that the power of the Lower Courts to enforce the provisions of the Law is much circumscribed, and possibly in many instances nullified by the not unnatural reluctance of parties to defray expenses, which, being incurred solely for the purpose of vindicating the authority of the Law, should properly devolve upon the Government, at least, until a new enactment shall render them legally leviable upon the offending party, or the losing parties in the suit. As the fines, levied in such cases, are receivable by the Government, and, as it

* "In cases of resistance of Process [under Regulation III. of 1803,] which occur in carrying out the Moonsiff's orders, as there are no Establishment Peons attached to these Courts, Prosecutors are very unwilling to advance Tulubana, and Ameen's remuneration for serving summons on the resisters of Process, and for attaching the property of the convicted offenders in such cases inasmuch as they, the Prosecutors, do not benefit by the enforcement of the Law in these cases."

seems equally unjust and inexpedient, as it is clearly illegal, to exact payment of the Tulubana and Ameen's compensation from the parties in civil actions, whose interest in the enforcement of penalties against resisters of process lies more in the steady operation of a public principle, than in the particular matter involved in the individual cases, the Court have declared it as their opinion, that the uncovenanted Judicial functionaries should be permitted to exhibit the charges incurred in enforcing the attendance, or attaching the property of persons resisting the processes of their Courts, as a charge against Government.

MORADABAD.

36. With the exception of 27 days in the month of May, when the charge of the current duties devolved on the Principal Sudder Ameen, Mr. Macsween presided throughout the year over the Civil administration of this District, the business of which is shewn by the returns to be still greatly on the increase, the number of suits brought on the file in 1844 having been upwards of 900, and the number before the Court 851, in excess of the year preceding: while, at the same time the agency employed, notwithstanding interruptions arising from changes of incumbency in the Courts of the Principal Sudder Ameen, and 2 Sudder Ameens, appears to have been equal to the task of meeting this large accession of work without leaving discreditable and inconvenient arrears, the decisions on trial and otherwise having been likewise more numerous than in 1843, by 479; the arrear depending at the close of the year was larger, it is true, by 372 suits than at its commencement, but this fact will not be thought to detract from the credit, due to the several judicial functionaries for their diligent and well sustained exertions, when it is added, that of the cases awaiting disposal, 3 only, depending on the file of the Principal Sudder Ameen's Court, were of earlier institution than 1844, and that all these were remanded for retrial, two within the last 4 months, and 1 in May of that year: it appears probable too, that the latter might have been brought to a termination before its close, had not one of the parties been a resident of Patna, and delay been occasioned by the necessity of intercommunication. The miscellaneous files, the Court are gratified to observe, were in an equally satisfactory and efficient condition, the whole arrear, of longer standing than a twelvemonth, being confined to 3 applications for execution of decree before the Moonsiffs of Saheswan and Bhojpoor, the final disposal of which was awaiting the completion of sale by the revenue authorities. As in the past year, so likewise on the present occasion, Mr. Macsween has restricted his report to brief comments on the individual characters and qualifications of the subordinate Judges, as inferred from the result of the year's proceedings, useful, perhaps, as far as they go, but unaccompanied by any details of information as to the operation and practical success of the system generally,—such as are indicated for inclusion in the Court's Circular dated 21st December, 1838, and such as Mr. Macsween's personal observation and experience of nearly two years in the Judgeship of the Zillah ought to have enabled him to furnish. The Court have thought it proper, in pointing out these omissions to Mr. Macsween, to remark, that, without full information on the points indicated, it is difficult, if not impracticable, to judge whether the administration has been conducted in a creditable and satisfactory manner, or the reverse, and that it would not misbecome the Judge's position to institute a comparison between the result of operations during the year under report, and that preceding it, and to comment on such improvement or retrogression, and the causes of it, as such comparison would not fail to exhibit. The only allusion made to the state and income of Civil business throughout Mr. Macsween's report, is that "there were 945 more cases filed in 1844, before the Moonsiffs than in 1843, and they decided 538 more cases," but it is hoped, that in the supplementary report called for under date the 10th April, not yet [23rd April] received, the deficiencies above noticed may be supplied.

JUDGE.	
Headings, Nos. 1 to 14,..	207
,, ,, 15 to 17,..	4845
	5052

P. S. AMEEN.	
Headings, Nos. 1 to 14,..	183
,, ,, 15 to 17,..	338
	521

37. Mr. Macsween, confining himself entirely to the discharge of appellate functions, decided on trial 168 regular suits, leaving but 34 for future disposal when the year closed, and passed orders on the merits of 172 miscellaneous cases under Headings 1 to 14 of Statement No. 2, to which must be superadded the disposal of 4843 matters classified under the remaining Headings of the same Statement; this is apparently a small amount of work to have occupied 143 days, which were wholly devoted to Civil duties, besides a portion of 17 others, similarly occupied, especially, as no less than 70 of the Appeals, determined by Mr. Macsween, were disposed of without summoning the respondent, on a simple perusal of the Petition of Appeal and the record of the Lower Court, but the insignificance of the arrear in both departments, and the recent institution of the cases, which awaited decision, when the year closed, leave room only to regret, that the Judge should not have retained a larger proportion of the Appeals on his own file, seeing that the revision of cases, adjudicated in the lower tribunals, constitutes the best, if not the only, adequate means of estimating the Judicial qualifications and merits of the Officers presiding in them, points, on which the Judge is required, and alone from his positition competent, to report specifically. Although the subject is not adverted to by Mr. Macsween, the statements shew that 3 appeals were determined during the period under notice in accordance with the opinion delivered by Assessors or Jurors, convoked agreeably to the provisions of Regulation VI. of 1832, and it may be presumed, that the difficulties, which have been found opposed in other Districts to the more extensive use of this enactment, have had a similar operation in this. The only remarks, suggested by an examination of the miscellaneous work despatched in this Court, has reference to the department of execution of Decrees, all applications of that nature having been apparently transferred to the Courts of original jurisdiction under the sanction of Act VI. of 1843, and no share taken by the Judge in the performance of that duty; the Court have no objection to offer to this practice, thinking on the contrary that, besides the fulfilment of legal enactments which is thereby accomplished, the convenience of the parties, interested in the enforcement of adjudicated claims, is thereby promoted. Mr. Macsween was engaged for 84 days in the duties devolving upon him as Judge of Sessions and Criminal Appeal. One Special Appeal from this Court was dismissed by the Sudder Dewanny Adawlut.

38. In pursuance of the recommendation of the Court leave of absence for 6 months was granted to Syud Tussuddook Hoosein Khan, the Principal Sudder Ameen of this District, on account of certified illness and temporary inability to perform his duty with efficiency, under the orders of Government, dated 18th September, No. 4104, and an extension thereof has been more recently permitted*, on the faith of a professional opinion to the like effect. Adverting to the heavy income of Civil business in this jurisdiction, and to the inconvenience, not unlikely to result from the compulsory absence of the permanent incumbent, whose activity and ability, as noted in the 39th paragraph of the last Report, have contributed in a large measure to the reduction of long standing arrears, the Court deemed it advisable to recommend, that Mahomed Kurreemoollah the Principal Sudder Ameen of Agra, who, though reputed to possess much judicial ability, had enjoyed but little opportunity of exhibiting it, should be temporarily transferred to Moradabad, in which District the most efficient auxiliary agency is essential to the attainment of requisite dispatch in the adjudication of Appeals. Under this arrangement, the continuance of which during the prolonged absence of Syud Tussuddook Hoosein Khan, has received the sanction of Government, Mahomed Kureemoollah proceeded to Moradabad before the commencement of the Dussehrah vacation, and entered, it is presumed, on the duties of his office before the adjournment of the Civil Courts—"presumed" because the Judge has omitted to certify the date of his assumption of charge. Of the share, taken by these two officers, severally, in the trial and decision of 454 regular suits, [of which 43 were original and the remainder appeals] and in the investigation and decision of 116 miscellaneous cases and petitions under the first 14 Headings of Statement No. 2

* Vide my letter, No. 592, dated 27th March, } 1845.
Your reply, No. 1443, dated 9th April, }

	Miscellaneous.		
	Regular Suits.	*Headings 1 to 14.*	*Headings 15 to 17.*
* Tussuddook Hoosein Khan,	324	87	222
Mahomed Kureemoollah,..	130	29	113
	454	116	335

a specification is found in the Annual returns as given in the marginal* note; when the year closed, the arrear on the miscellaneous file of this Court comprised no more than 31 cases of every description, while in the regular department at the same period there were 161 suits [19 original and 142 appeals] awaiting decision, being more than treble the number of those [52] which were pending at its commencement; to what cause this may be ascribable, whether to Tussuddook Hoosein Khan's constant illness and consequently reduced capability of exertion, or to the inferior official aptitude of his substitute, Mahomed Kureemoollah, or to the transference of appeals, in too large a measure, for adjudication to this tribunal, the Court have no means of judging, and, as the arrear is only by comparison large, and not of such a nature as to justify apprehensions of future inconvenience, there may be no necessity to put an end to conjectures on this head by calling upon the Judge for explanation. The average rate of monthly decisions [nearly 38] is unusually high, and there is reason to fear, that patient investigation and deliberate judgment have been in some degree sacrificed to celerity of decision, seeing that of four [4] regular and 9 special appeals brought before the Sudder Dewanny Adawlut during the expired year, the judgment of Tussuddook Hoosein Khan met with confirmation in only 2 instances, his order having been reversed or modified in 2 others, while the remaining 9 cases were remanded for retrial and restoration to their original number on the file; the Court know not how far the inferences, deducible from these facts, may be considered to undergo qualification by the confirmation of Tussuddook Hoosein Khan's decision in 37 out of 48 cases, which were revised by Mr. Macsween in regular or special† appeal, but it may be assumed, that the result of appeals, adjudicated in the Sudder Dewanny Adawlut, is the more trustworthy test of judicial ability, and that the conclusions, to which it may lead, cannot be permitted to be controverted by the issue, with which the like cases may be attended in an inferior tribunal. Mr. Macsween avows his inability to express any opinion in regard to the quality of Mahomed Kureemoollah's decisions, by reason of the short period of his subjection to supervision, but he is said to have been industrious. Forty-six Decrees were completely executed, and the partial settlement of 6 other adjudicated claims effected, in this Court.

† These, the Court presume, were instituted prior to the enactment of Act III. of 1843.

39. As noted in the 40th paragraph of the Civil Report for 1843, Ahmud Hussun Khan the Sudder Ameen of Moradabad was removed from this District on his promotion to be Principal Sudder Ameen of Goruckpore in June 1844, and was succeeded‡ in his office by Mahomed Hoosein, formerly Moonsiff of Kasgunje in Zillah Allygurh, who joined his appointment in the month of July, and continued uninterruptedly to discharge his duties until the close of the period under review. Nor was the office of the same grade at Bijnore free from change of incumbency, Pundit Dyaram having been selected for advancement to a superior office at Benares, and permitted to relinquish charge, in anticipation of his successor's arrival, in November. By these officers, of whom the Bijnore functionary is chiefly employed in the capacity of Moonsiff, and in aiding the Magistrate, which was one of the objects of his appointment, decisions were passed, after trial of the merits, on 260§ regular suits, and 372‖ miscellaneous cases, comprising the full enforcement of 197¶ Decrees, and the partial execution of 21 others, were disposed of after full investigation; it is

‡ Vide my letter, No, 1086, dated 11th June, 1844. Your letter, No. 2431, dated 28th Idem.

§ (*a*) Ahmed Hussun Khan and Mahomed Hossein Sudder Ameen's of Moradabad; 221
(*b*) Pundit Dyaram Sudder Ameen of Bijnore, 39
260

(*a*) By Ahmed Hussun Khan, ... 108
By Mahomed Hossein,.. 113
221

(*b*) This officer also decided 39 Criminal Cases.

‖ Ahmed Hussun Khan, and Mahomed Hossein, .. } S. A. Moradabad, 360
Pundit Dyaram Bijnore, ... 12
372

¶ Ahmed Hussun, and Mahomed Hossein, .. 185
Dyaram, ... 12
197

questionable whether the state of the files in Moradabad would have admitted of the disposal of a larger quantity of work, as no more than 89 cases awaited determination when the year closed, and the arrear on the miscellaneous file was light. As both Ahmed Hussun Khan and Pundit Dyaram have been promoted to superior judicial office, their elevation to which implies a favorable estimate of their character and attainments, it may be sufficient, without further comment on these points, to exhibit in the margin* the result, with which appeals from their orders were adjudicated, and, in regard to Mahomed Hossein, to observe, that the recency of his appointment to a Sudder Ameenship scarcely allows of an opinion being formed of his judgment; his qualifications, as a Moonsiff, were superior, and it is not unreasonable to expect that he will vindicate the discrimination of the Court in his selection, by an able and efficient discharge of his more responsible duties; he is said to be "much respected."

	Tried.	*Confirmed.*	*Reversed or Modified*	*Per Cent of Reversals.*
* Ahmed Hussun Khan, ..	39	24	15	38½
Pundit Dyaram, ...	17	7	10	59 nearly
	56	31	25	

40. A good character is assigned to all the Moonsiffs of this jurisdiction by Mr. Macsween, who reports of Mahomed Qasim of Chundowsee, that he "has long been distinguished by his zeal, capacity and integrity," and of the Moonsiffs of Umroha, Nuggeenah, the environs and Sumbhul, that they are "little inferior to him." In the 11 Moonsiff's Courts, Bijnore included, 4018 regular suits were brought to decision on trial, at an average annual rate of 365 to each Officer, but of these the large number of 2319 were either tried ex-parte [1352] or disposed of on confession of judgment [967], so that more than half of the suits adjudicated could have required but little time or consideration: it is obvious, however, that had not the ordinary rate of decisions been largely exceeded, the large increase in the number of suits, brought on the files of these Courts, would have given rise to an inconvenient accumulation of arrear, the amount of which, notwithstanding the creditable industry of all these functionaries, and the success, which has attended their efforts, exceeded by 415 cases that, which remained for future disposal at the beginning of the expired year. If the subordinate agency is equal to the demands on its energies, which *at present* there is no sufficient reason to doubt, its reduction, as advocated on a former occasion by the Judge, is out of the question, and this project therefore may be regarded as finally abandoned, for there is no such inequality in the quantity of business, instituted in the different Courts, as to warrant the supposition, that the pressure, being partial, will be relieved, or the efficiency of the several tribunals promoted, by a re-adjustment of their jurisdictions, which, Mr. Macsween reports in a letter lately received, has been completed, and will shortly be submitted for approval and sanction. In the miscellaneous branch of work, the diligence of the Moonsiffs is creditably represented by the investigation and decision of 2209 miscellaneous cases of all descriptions, in which is comprehended the full enforcement of 1521 decrees, besides the partial execution of 423 others, and among them the superiority, as regards the quantity of work dispatched, must be ascribed to Mahomed Qasim, Moonsiff of Chundowsee, and Tajummool Hosein Khan, Moonsiff of Sumbhul, who disposed of 498, or nearly one-third of all the applications for execution of Decree, struck off under the first condition abovementioned.

41. On reference to the marginal† memorandum, excerpted from the Appeal Statement, it will be observed that of 419 Appeals from the Moonsiffs' Courts, which came to hearing and

Moonsiffs.	*Tried.*	*Confirmed.*	*Reversed.*	*Per Cent Reversal.*
† Dyaram, Bijnore,.....	43	25	18	42 nearly.
Sadoollah Khan, Umroha,...	34	23	11	32·1-3rd.
Mahomed Noor, Nuggeenah,	35	24	11	31½
Moizoollah, Dhampoor, ...	37	20	17	46

Moonsiffs.	*Tried.*	*Confirmed.*	*Reversed.*	*Per Cent Reversal.*
Mahomed Qasim, Chundowsee,	47	29	18	38·1-3rd.
Tajummool Hossein, Sumbhul,	41	24	17	41½
Muddun Mohum, Saheswan,	31	21	10	32¼
Mashooq Alee, Environs,	40	30	10	25
Mahomed Bukhsh, City Moradabad,	52	27	25	48
Seraj Hossein, Islamnugger,	39	26	13	33·1-3rd.
Uzmutoollah Khan, Bhojepoor,	20	14	6	30
	419	263	156	
By Judge,	66	64	2	
By Principal Sudder Ameens,	353	199	154	

decision on the merits before the termination of the period under review, 66 were adjudicated by the Judge and 353 by the Officers, who presided in the Principal Sudder Ameen's Court, with results so strangely diverse, and, in the absence of explanation, so unintelligible, as to deprive the Appeal Statement of all value, as an index of judicial ability: while the judgment of the Lower Courts was interfered with by the Principal Sudder Ameens in 154 out of 353 cases of Appeal, or nearly 44 per cent., the Judge confirmed their decisions in 64 out of 66 cases, which underwent revision in his Court. It behoved the Judge after the notice, which this singular contrast attracted and received in the 42nd paragraph of the last Annual Report, to have adverted to the subject on the present occasion, and to have endeavored to explain why the termination of Appeals in his Court differs so widely from that, which is observed in the Principal Sudder Ameen's Court; it cannot be supposed, that in the distribution of Appeals among the functionaries, having appellate authority, any reference is had to the possible issue, for such a practice would be equally improper and inexpedient, nor can it by any chance so happen, that in two consecutive years nearly all the cases revised by the Judge in Appeal should be rightly decided, while a large proportion of those, referred to the Principal Sudder Ameen, though investigated and determined by the same individuals, should exhibit defective judgment, legal ignorance, or insufficient investigation. Such contrariety of result is not found in the returns of any other district, and there is no way of accounting for its appearance in this, except by the supposition, that either one or other of the parties, exercising appellate functions, is deficient in judgment. The Court have thought it right to afford to Mr. Macsween an opportunity of explaining the origin of this extraordinary contrast, and will add a note, expressive of the result, should his reply be received prior to the submission of this report.

42. In the subjoined table is exhibited the expense, incurred by Government in the support of inferior Judicial Establishments of this jurisdiction, as compared with the amount of Revenue realized from the sale of Stamped Paper, required for legal purposes, and filed in their Courts.

Moonsifees.	*Cost.*	*Amount realized by Sale of Stamps.*
Umroha, ... Rs.	1680	Rs. 2484 0 0
Nugeenah, ...	1680	3203 0 0
Dhampoor, ...	1680	3063 8 0
Chundowsee, ...	2280	3339 0 0
Sumbhul, ...	1680	2485 4 0
Suheswan, ...	1680	1611 10 0
Environs, ...	2280	1941 12 0
City of Moradabad, ...	1680	2991 0 0
Islamnuggur, ...	1680	2248 10 0
Bhojepoor, ...	1680	2015 12 0
	18000	25383 8 0

43. The records of this Judgeship were all placed in admirable order by Mr. Okeden, as noticed in paragraph 32 of the Report for 1840, and the same arrangement is still reported to subsist, but Mr. Macsween has thought it his duty to examine them [in what form or with what object is not stated] and has promised to report further on the subject in the course of 6 months: this point will be adverted to in the next Annual Report, if necessary. There appears to be no other question, connected with this Judgeship calling for comment, unless it be the transference of Talooka Chandee to its jurisdiction, which was alluded to in the 43rd paragraph of the last Report, and still remains undetermined.

BARELLY.

44. The Statements from this District have been submitted, together with a Report by Mr. J. Lean, who, under the arrangement alluded to in the 44th paragraph of the Civil Report for 1843, presided over the civil administration, in addition to his duties as Special Commissioner under Regulation III. of 1828, from the 1st March to the close of the year, in succession to Mr. Cowel, who retained his office during the first two months of the period under report. The returns may be pronounced satisfactory in shewing but few cases, older than a year, and in testifying to the praiseworthy industry of the subordinate agency, which was called fully into exercise by a very large increase in the amount of Civil business, brought before the several Courts for adjudication; as compared with 1843, more suits by 1029, were instituted during the past year, and the number before the Courts for trial was at the same time larger by 1196, constituting altogether an accession of work, which might have reasonably given rise to apprehensions of an accumulation of arrear in a District, the inferior judicial establishments of which have been on more than one occasion suspected to be numerically inadequate; this increase has been, nevertheless, efficiently met by a corresponding increase of exertion, the results of which are apparent in the disposal of 1034 more cases than in the antecedent year, and in the insignificant addition to the general file, which was heavier by 162 cases only at the end, than at the beginning, of the period under review. Among the 2039 suits, which composed the arrear on the general file, no more than 7 cases [2 original and 5 appeals] had been pending for more than a twelvemonth, and a little explanation will suffice to shew, that the appearance of the latter was the result of accident, and not of any delay, suffered to occur by the present judicial authorities, in their determination; the appeals alluded to, which were originally instituted in 1838 and 1839, were remanded for re-trial by the Sudder Dewanny Adawlut in 1840, and were from that time overlooked until April 1844, when application was made by one of the successful appellants for the hearing of his case: the enquiry, thus originated, brought to light 13 cases of appeal in the predicament mentioned, which, owing to gross and indefensible negligence on the part of the ministerial officers of the Judge's Court, were not restored, as they should have been in 1840, to their original number on the file, and thus lay *perdu* for a period of four years without any steps being taken to bring them to decision. The party, to whom this neglect was found on investigation to be chargeable, has been subjected, under the direction of the Court, to punishment, and there is reason to expect, that the like accident, prejudicial to the interests of the parties concerned, as it is discreditable to the internal economy of the Judge's Office at Barelly, may not recur. In the miscellaneous department, the arrear of old date consisted of 3 cases under Heading 13 of Statement No. 2, on the Judge's file, of two applications for execution of Decree before the Principal Sudder Ameen, and one of a similar nature, awaiting a final order in the Sudder Ameen's Court at Pillibheet, none of which afforded ground for the imputation of remissness to the judicial authorities concerned.

JUDGE.	
Headings, Nos. 1 to 14,..	383
,, ,, 15 to 17,..	3236
	3619

P. S. AMEEN.	
Headings, Nos. 1 to 14, ..	389
,, ,, 15 to 17, ..	1749
	2138

45. As reported to Government in my letter No. 387, dated 2nd March, 1844, the Court deemed it advisable to disunite the Civil and Criminal departments of this Judgeship, and to assign to Mr. Lean the superintendence of the entire Civil administration, while to Mr. C. W. Fagan, appointed to officiate as Additional Judge, were committed the duties of Judge of Sessions and Criminal Appeal. It is known to the Hon'ble the Lieutenant Governor, that, when this charge was entrusted to Mr. Lean, a large number of appeals [300] under Regulation III. of 1828 awaited his decision as Special Commissioner, and the prompt disposal of these was found incompatible with a due attention to his legitimate duties, as Civil Judge: with a view to obviate the detrimental influence of delay in both departments, the Court assented to a proposal, originating with Mr. Lean, that the agency of the Principal Sudder Ameen should be dispensed with in the trial of suits, falling within the cognizance of a Moonsiff, which were wont to be transferred to his Court, and applied more extensively to the hearing of Moonsiff's appeals, of which only such a proportion should be reserved by Mr. Lean himself, as should enable him to express a confident opinion in regard to the merits and qualifications of his several subordinates of that grade at the close of the year. This arrangement has had effect since the middle of the year, and has been successful in preventing the accumulation of arrear, that might perhaps have otherwise ensued. In the Judge's Court, the business dispatched comprehended the decision on trial of 254* regular suits [of which 1 was original, and the remainder appeals] and the disposal, after investigation of the merits, of 275 miscellaneous cases under Headings 1 to 14 of Statement No. 2, comprising numerous Petitions under the 6th and 11th Headings, and the complete execution of 16 Decrees, an amount of work, which occupied 216 days, and must be considered creditable to Mr. Lean's assiduity, seeing that 114 cases of appeal under Regulation III. of 1828 were likewise adjudicated, and that much time and attention was necessarily engrossed in investigating the particulars of the embezzlement and falsification of accounts, discovered in the Treasury of the Barelly Court, which was reported, for the information of Government in my address No. 1920 dated 25th October, last; for some months, moreover, Mr. Lean was suffering from severe indisposition, which, though it did not interfere materially with his attendance in Court, "much impaired his energy." More recently another alteration has taken place in the Judicial Establishments, of this District, by the arrival of Mr. Thomas, the delegation to Mr. Lean of Sessions and Criminal duties, in addition to his labors as Special Commissioner, and the reservation of the Civil administration in the hands of the former gentleman, who has latterly consented† to aid the Additional Judge by relieving him of a portion of the Sessions work, in order to expedite the determination of cases under Regulation III. of 1828. Adverting to the very sufficient employment afforded by the Civil and Criminal business of this jurisdiction to the two officers, who, the one under an arrangement professedly temporary, and the other as permanent incumbent, have been with little interruption engaged in discharging its duties for the last 4 years, the Court can no longer consider the creation of a third permanent Judgeship in the Rohilkund Division a measure of questionable expediency; the experience of the past year has shewn, that the best exertions of two energetic and talented officers have barely availed to meet the demands of both departments, and it seems not less unjust towards the community, than destructive of the efficiency of the administration, to impose upon a single individual the labor, that has been, not without difficulty, sustained by two. As the question, however, has been on former occasions discussed in sufficient detail, this passing allusion will suffice to keep the attention of the Government directed towards it, and to prove that the supposed inefficiency of the former administrative agency of this jurisdiction was not the sole ground, on which the proposed augmentation was based.

MISCELLANEOUS CASES.

	Regular Suits.	*Headings 1 to 14*	*Headings 15 to 17*
* Mr. Cowell, ...	47	35	3,236
Mr. Lean, ...	207	240	

† Vide your docket, No. 2,274, dated 31st May last.

46. Mr. Berkeley, who for a series of years has conducted the highly responsible and onerous duties devolving upon him, as Principal Sudder Ameen of this large and important jurisdiction, with a degree of diligence, zeal and ability, which has gained for him the marked approbation of the Court and Government, has since the commencement of the present year retired on a Pension,* compelled by failing vision to relinquish a position, in which he acquired a good judicial reputation, and the respect of all, with whom he was brought in contact. His services during the past year, the last of his incumbency, will bear comparison with those, which have on former occasions elicited commendation; 358 regular suits, of which 155 were original and 203 appeals, were brought to decision on trial, and under the first 14 Headings of Statement No. 2, 306 miscellaneous cases, comprising 177 Decrees fully enforced, were disposed of after investigation of the merits: in addition to this 75 others were partially settled, 1749 orders were passed under the less important Headings of the Miscellaneous statement, and assistance was rendered to the Magistrate in the decision of Criminal trials, and the conduct of preliminary investigations, to an extent, which cannot be exactly ascertained, until the Annual Statements of the Magistrate's Court shall be received†: when the period under report ended, the depending arrear on both the regular and miscellaneous file was somewhat larger than at its commencement, but this is amply accounted for by the larger quantity of business, delegated to, and disposed of by, Mr. Berkeley, and is thought of little consequence, when the paucity of old cases, as shewn in a preceding paragraph, and the satisfactory nature of proceedings, held to prepare them for adjudication, are considered. Early in the present year, Mr. J. P. Ledlie, for many years attached to this Court as Assistant to the Register, was appointed to succeed Mr. Berkeley, being thought eligible for appointment to such an office on the principle sanctioned in a recent Despatch from the Court of Directors, and on the grounds of his service in a department, which affords opportunities, not elsewhere available, of acquiring a familiarity with the judicial system, and the principles, by which the proceedings of the Local Courts are governed: these considerations, as well as Mr. Ledlie's natural ability, his intimate knowledge of the native languages, his undoubted integrity and conscientious diligence were considered to constitute unquestionable qualifications for judicial office, and the Court have not a doubt that he will justify their strong recommendation in his behalf, and the Honorable the Lieutenant Governor's appreciation of his merits, by an honest discharge of his functions as Principal Sudder Ameen, and that he will establish a reputation, not inferior to that, which his Predecessor has acquired, if he act upon the dictates of his own judgment, without temerity on the one hand, or unwise vacillation on the other. Out of 61 appeals from this Court, Mr. Berkeley's orders were confirmed in 42 instances, or about 69 per cent, while of 2 regular appeals heard by the Sudder Dewanny Adawlut his judgment was in 1 upheld, and the second case was remanded.

* Vide my letter, No. 1617, dated 16th September, 1844.
Your reply, No. 5307, dated 10th December, 1844.

† *Note.*—The Statements have reached the office since these lines were written and the share taken by the Principal Sudder Ameen and 2 Sudder Ameens in the disposal of Criminal business, is shewn below:

	Criminal cases decided.	*Miscellaneous applications.*
Principal Sudder Ameen,	34	117
Sudder Ameen of Barelly,	94	291
S. Ameen of Pillibheet, ..	94	236
	222	644

47. During the whole of the past year, two Sudder Ameens, the one, Khan Buhadoor Khan, located at Barelly, and the other Ghoolam Ghose, alias Mahomed Mohsin, at Pillibheet, were employed, and decided, the former 247, and the latter 272 regular suits after investigation of the merits, leaving an aggregate arrear of 300 cases for future disposal, while at the commencement of year under report their files exhibited but 180 cases;—this accession of arrear may at first sight appear unsatisfactory, and that it is so to a certain extent there is no question, but the unfavorable inference, thence deducible, is in the case of the Barelly Sudder Ameen palliated by the transference to him, late in the year, of numerous

suits cognizable by Moonsiffs, such transference being necessitated by the arrangement, under which the Principal Sudder Ameen's auxiliary agency was more exclusively devoted to the hearing of appeals [vide supra paragraph 45] and in that of the functionary, stationed at Pillibheet, by his occupation in Criminal duties, to aid in which was one of the chief objects, contemplated in the constitution of his office. Their performances in the miscellaneous department may be pronounced creditable, seeing that in the Barelly Court 245 decretal orders were carried out to full execution, and 138 to full or partial enforcement in that at Pillibheet, and that at the close of the year but one application of that nature [pending on the file of the latter and sufficiently explained] awaited a final order. The judgment of Khan Bahadoor Khan in 41 appealed cases, reviewed by the Judge, met with confirmation and reversal in nearly equal proportions—a result, which corroborates the unfavorable opinion recorded of this officer's qualifications in former reports, and justifies the conclusion, at which Mr. Lean has arrived, that his decisions do not "evince good judgment either as to law or fact." 26 appeals from the Pillibheet Court were also heard and terminated in a manner still more unfavorable, 10 only having ended in confirmation of the order passed by Ghoolam Ghose, but this circumstance has not escaped Mr. Lean's observation; and is not discreditably or unsatisfactorily accounted for in the following Extract from the 5th paragraph of his Report: after admitting that the result is apparently unsatisfactory, Mr. Lean adds; "nevertheless I can safely say, that the Sudder Ameen's judgment is good. His fault is, that he is apt to come to a decision on what he thinks are, and probably may be, the real merits of the case, in other words he does not confine his consideration to the points stated by the parties to be at issue. He gives in fact what the Vukeels are in the habit of calling a "Punchayetee fysulah." His motives in thus acting are good but it is obvious, that such decisions neither can be, nor ought to be confirmed in appeal, inasmuch as nothing but uncertainty can result from such a course. He bears a most excellent character as an industrious, able, and upright public officer." The Court hope, that having formed this opinion from a revision of the Sudder Ameen's proceedings in appeal, Mr. Lean has not contented himself with this record of it in his report, but has also communicated to Ghoolam Ghose his observations on the point, with a view to the practical correction of his error.

48. The remarks recorded in the 49th paragraph of the Court's last Report, combined with the more close and careful supervision maintained by Mr. Lean over their official operations, would seem to have had the effect of stimulating the 6 Moonsiffs serving in this jurisdiction to increased exertion, the effects of which are apparent in the larger quantity of work brought to a termination. By these officers collectively the large number of 3701* regular suits were determined after trial, at the high average rate of 617 to each officer, Abdool Ruhman the Moonsiff of Budaon and Mahomed Abdoollah, Moonsiff of Shahjehanpore, having far surpassed the other functionaries of the same grade, in deciding respectively 945 and 820 regular cases, and carrying out to complete execution, the former 461, and the latter 358, decretal orders. Inclusive of the latter, 1766 applications for enforcement of Decrees were struck off after full, and 351, after partial execution, by the functionaries of this grade, and when the period under review came to a close, both the regular and the miscellaneous files of these Courts were free from the encumbrance of old cases, and the depending arrear in both departments was smaller than at its commencement. This review must be admitted to reflect credit on all the officers concerned, but particularly on the two abovenamed, whose zealous industry and official aptitude alone have enabled them to contend successfully with an amount of business, that might have baffled the endeavors of less

* Exparte, ...	1322
Ikbal Dava, ...	927
	2249

Note.—The Moonsiff of Oojhanee was absent for one month on account of certified illness, and a change of incumbency took place in the Beesulpore Court by the removal of Mr. H. N. L. Berkeley to Saharunpore, as mentioned in the 47th paragraph of the Report for 1843, and the transference to that jurisdiction of Sidh Gopal formerly Moonsiff of Paneeput.

efficient agents; in these 6 Courts 1517 suits remained for future disposal at the end of December, and the inequality in the amount of the arrear in the several tribunals leads to the supposition, either that their jurisdictions need modification, or that additional agency may ere long be requisite to secure a prompt administration of justice; this question will probably be brought under consideration shortly, in giving effect to the instructions conveyed in the Resolution of Government, dated 30th October, 1837, and the Circular Orders of this Court, dated 14th May, 1844. The judicial qualifications of the Moonsiffs are not unfavorably represented by the termination of 328* Appeals from their decisions, which were suffered to stand unaltered in 207 cases, that passed under review of the Judge and Principal Sudder Ameen, but from this general return it seems just to disconnect the issue of Appeals from the orders, passed by Amanut Hoosein, Moonsiff of Barelly, and Abdool Ruhman, Moonsiff of Budaon, whose judgment is very creditably exhibited by the subjoined table:

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Per Cent of Reversals.*
* By Judge,	125	73	52	41·3-5ths.
By P. S. Ameen,	203	134	69	34 nearly.
	328	207	121	37 nearly.

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Per Cent of Reversals.*
Moonsiff of Barelly,	69	46	23	33·1-3rd per cent.
Ditto of Budaon,	63	45	18	28½ per cent.

the latter receives the higher rate of salary, constituted by the orders of Government, dated 2nd October, 1837, and the former was during the past year advanced, on Mr. Lean's recommendation†, to the same grade, on the ground of his superior merits and qualifications; to these, therefore, a priority of claim to promotion has been assigned, and next in order of eligibility stands Mahomed Abdoollah, the Moonsiff of Shahjehanpore, who, though introduced into the Judicial Department only towards the close of 1843, has already acquired a character for great industry, "good powers of reasoning," and "superior ability," and is reported to require but "a little more experience to make him a first rate Officer." The inferior judicial agency of this jurisdiction would thus seem to be composed of men, possessing all the intelligence and educational advantages, requisite to fit them for the responsible position, which they occupy.

† My letter, No. 1517, dated 2nd September. Your reply, No. 4121, dated 18th Idem.

49. The subjoined statement shews, that the cost incurred by Government during the past year in the maintenance of the inferior judicial establishment was fully compensated by the revenue, realized from the sale of stamped paper filed in the several tribunals.

Moonsifees.	*Cost of Establishment.*	*Amount realized by Sale of Stamps.*
Barelly,	1851 10 8	3757 8
Environs,	1680	2873 6
Beesulpore,	1680	3705 1
Shahjehanpore,	1667 1 6	6205 12
Budaon,	2105	4639 4
Oojhanee,	1483 5 4	2953 14
Pillibheet, S. A. and Moonsiff,	3960	2830
	14427 1 6	26964 13

; this is satisfactory, and may be used as an argument to justify the creation of another Moonsifee in Shahjehanpore, should the income of business render such a measure desirable. As above stated, the revision of jurisdictions has not yet been matured.

50. Mr. Lean's omission to notice the condition of the record department is the less to be regretted, as its complete reorganization under the superintendence of Mr. Pidcock was duly reported to Government in the correspondence referred to marginally:* it is to be presumed, that the order and the system of arrangement, then introduced, have been maintained, and that no impediments exist to the prompt transaction of business, as was wont to be the case prior to the successful issue of Mr. Pidcock's arduous undertaking.

* My Predecessor's letter, No. 389, dated 22nd February, 1843.
My Predecessor's letter, No. 411, dated 3rd March, 1843.
Mr. Secy. Hamilton's reply, No. 1358, dated 20th March, 1843.

AGRA.

51. In the Civil Reports for the last three years a progressive decrease in the quantity of Civil business, brought before the Courts of the Agra District, has been noticed, as suggestive of the propriety of reducing the strength of the judicial establishments attached to it, or so far enlarging its jurisdiction by the transference of two Moonsifees from the Allygurh District, as to give the requisite relief to the latter, without imposing too large a measure of labor on the judicial functionaries of the former. During the past year, although there has been no falling off in the aggregate income of Civil suits, yet in the tribunals of the superior grade the aspect of business, as represented in the present returns, leads to the belief, that, until the arrangements above-mentioned be accomplished, they will continue to be insufficiently occupied. The number of suits instituted in all the Courts was larger by 34, than in 1843, and an increase to the extent of 63 in the number before the Courts is likewise observable, while at the same time the decisions on trial were fewer by 97 [more cases by 79 having been adjusted or withdrawn] and at the close of the period under review the general file exhibited a larger arrear by 81 suits, than at its commencement. Mr. Boldero, in noticing this fact, deprecates any inferences unfavorable to the diligence and activity of the agency employed, reasonably ascribing it to changes of incumbency in the Sudder Ameen's office at Muttra, and the vacation of the Agra Moonsifee for a period of nearly 3 months, owing to the deputation of Mr. J. P. Lyons, the incumbent, to assume charge of the current duties of the Sudder Ameen's Court; it may be as well to explain, in this place, that on the death of Surubsookh Rae, the late Sudder Ameen of Muttra, [which was reported to Government in my letter No. 1890, dated 26th October last] the Judge, in order to prevent an accumulation of arrear in that tribunal, and in anticipation of the needful sanction, directed Mr. J. P. Lyons the Moonsiff of Agra, to assume temporary charge thereof, and postponed the nomination of an individual to officiate for the latter until a future opportunity: almost simultaneously with the receipt of the Judge's report to the above effect, a Petition was submitted to the Court, remonstrating in such strong terms against Mr. Lyon's provisional appointment, that they felt it incumbent upon them to have the allegations, therein set forth, subjected to a searching investigation, and, withholding their support from the Judge's recommendation in behalf of Mr. Lyons, to confine his operations to the discharge of such current duties, as might not admit of postponement, until that enquiry should be brought to a conclusion; the imputations contained in the Petition were found to be totally unfounded, but the result of the investigation was not communicated to the Court until so late a period of the year, as to render the appointment of Mr. Lyons to officiate as Sudder Ameen an unadvisable measure, with reference to the then expected arrival of Pundit Bhowanee Pershaud, appointed under the orders of Government, No. 5121, dated 25th November, 1844, to succeed to the vacant office: the effect, however, was to reduce temporarily the strength of the Subordinate Judicial Agency in an important degree, and the consequence of that reduction is apparent

JUDGE.	
Headings, Nos. 1 to 14,..	207
,, ,, 15 to 17,..	3036
	3243

P. S. AMEEN.	
Headings, Nos. 1 to 14,..	361
,, ,, 15 to 17,..	882
	1243

in the accession to the amount of depending arrear above alluded to. When the year closed, 3 regular suits, instituted prior to its commencement, awaited decision, 1 in the Principal Sudder Ameen's Court, and 2 in that of the Agrah Moonsiff, the former having been received for trial and decision from the Judge of Meerut under the orders of the Sudder Dewanny Adawlut, and the latter remanded for reinvestigation by the Judge in the months of May and June; it was thought by the Judge of this Court, to whom the duty of revising the periodical Statements from this District appertained, that some needless delays had been suffered by the Moonsiff to occur in the preparation of one of these suits for adjudication, and that its ultimate determination had been in some measure retarded by the supposed necessity of a personal inspection, by the presiding officer, of the disputed spot, the reason, urged for this procedure, being that the suit was "one of inheritance;" in calling for explanation of this step, the Court thought it needful to point out, that, as a general rule, the propriety and expediency of such personal visits on the part of a judicial officer might well be questioned, although obviously occasions might arise, when such local investigation would be of the greatest service to the cause of truth and justice; nevertheless the prolonged dependence of these suits is not considered attributable to any remissness on the part of the Moonsiff, whose departure on the 26th September under the Judge's order to Muttra, conjointly with the limitation of the powers of his substitute to the transaction of current business, probably prevented their being brought to a termination.

52. In the Judge's Court, administered throughout the year by Mr. Boldero, sittings were held on the Civil side for 113 days, and 204 Appeals were brought to decision on trial, which, together with the disposal of 3,198* miscellaneous cases, including 75 Petitions for Appeal under Regulation VII. of 1825, and the complete enforcement of 27 adjudicated claims, constitutes the whole amount of work dispatched by this Officer; it may be presumed, that, had there been occasion for greater exertion, this numerical inadequacy, under the rules, of the Judge's decisions would not have been observed, but a reference to the files of his Court, on which no more than 11 regular and 36 miscellaneous cases were pending when the year ended, is sufficient to shew, that the performances above epitomized could not have been exceeded, even though the Judge's attention and energies had not been engrossed by the large demands on him in his character of Judge of Sessions and Criminal Appeal for two Districts, the duties of which occupied 123 days [or 21 more than in 1843] and by his engagement for 6 other days, either as Special Commissioner under Regulation III. of 1828, or as a Member of the Divisional Committee of examination, constituted by the orders of Government, dated 4th August, 1840. The insufficiency, however, of employment, afforded by the income of Civil business to the superior tribunals of this district, becomes still more manifest on examination of the returns, relating to the Court of the Principal Sudder Ameen, who, in trying and adjucating 99 original suits, and disposing, after investigation of the merits, of 151† miscellaneous cases under Headings 1 to 14 of Statement No. 2, left but 13 cases in the former, and 41 in the latter, department, for future disposal, when the period under report came to a termination; in the adjudication of Appeals from the Lower Courts his aid was not needed, and his services in the Magisterial department were restricted to the disposal of 4 Criminal trials, and a few miscellaneous applications and petitions therewith connected, so that, if two or more Courts, now subject to the jurisdiction of the Allygurh Judgeship, be transferred to this district in pursuance of the Court's suggestions, there is no reason to apprehend that the local appellate tribunals will be found unequal to the task of contending successfully with the increased amount of business, which may be expected to ensue. As noticed in another part of this Report [paragraph 38], Mahomed Kureemoollah Khan, the Principal Sudder Ameen, was selected on account of his approved ability and industrious habits of business, to officiate in that capacity at Morada-

* Headings, 1 to 14 .. 162
Headings, 15 to 17 .. 3036
3198

† Of which 74 represent applications for execution of Decree, struck off after full enforcement.

bad, where efficient agency of that sort is indispensable, and relinquished charge of his office, on the 28th September; his temporary substitute, Moulvee Mahomed Kureemkoolee, appointed by Government, under date the 18th September, entered upon the discharge of his duties on the 8th October, and after the re-opening of the Civil Courts, on the termination of the Dusserah Vacation, decided on trial 15 of the 99 original suits abovementioned, and participated to the extent, noted marginally,* in the disposal of the miscellaneous business, brought to a termination in this tribunal. Without adverting to the manner, in which this Officer has discharged his vicarious functions, of which no opinion can be deduced from the present returns, it may be sufficient, in regard to Mahomed Kureemollah Khan, the permanent incumbent, to observe, that his judgment was confirmed in 21 out of 33 Appeals tried and decided during the year, or about 63⅔ per cent, and that, as Mr. Boldero, the Judge has failed in his report to make mention of his character and conduct, it may be presumed he has continued to give satisfaction by a zealous and efficient performance of the duties devolving on him.

	Headings, 1 *to* 14.	*Headings*, 15 *to* 17.
* Kureemoollah Khan,	124	659
Kureem Koolee,....	27	223
	151	882

53. Owing to the physical infirmity of Surubsookh Rae, necessitating his frequent absence from official duty, and to his subsequent demise, there were numerous interruptions in the incumbency of the Sudder Ameen's Court during the past year, which might have interfered materially with the judicial and executive operations of that tribunal, had not the paucity of suits instituted, and applications for execution of Decree brought on the file, been such as to counteract the tendency and the possible effect of these changes; but, as mentioned in former reports, the employment of this functionary in his capacity of Sudder Ameen is almost nominal, his services being mostly availed of in the adjudication of suits, cognizable by Moonsiffs, and in the decision of the few Criminal cases, made over to him for that purpose by the Magistrate of Muttra, circumstances, which were held by the Court to warrant the abolition of the office, a proposition, that was negatived by the Government. The Marginal note exhibits particulars of the mutations of incumbency above alluded to, and the share taken by each of the individuals, who presided in this Court during the past year, in the decision of 17 regular suits, and 193 miscellaneous cases, including 20 applications for execution of Decree, struck off after realization of the whole demand;—their performances in the capacity of Moonsiff may be more conveniently noticed in a subsequent paragraph, which will treat of the business dispatched in the other Courts of that denomination. Pundit Bhowanee Pershaud, selected to succeed permanently to the vacancy, created by the decease of Surubsookh Rae, was formerly Pundit of the Delhie Circle, and, on the abolition of that office under date the 1st April, 1843, was declared eligible to a situation in the judicial department; his location at Muttra was suggested by the probability of questions, connected with Hindoo Law, with which he must be supposed familiar, being brought before him for adjudication, and it is hoped, that he may be found to possess the qualifications and attainments, which constitute judicial efficiency, but since the period of his employment as Sudder Ameen under the old system, both Law and Practice have under-

Officers.	*Period of incumbency,*	*Regular decisions on trial.*	*Miscellaneous.*
Surrubsookh Rae,	1st January to 11th February, and 12th May to 20th September.	10	74
Mr. J. P. Lyons,	Officiating from 11th February to 11th May, and in charge of current duties from 27th September to 25th December.	2	116
Pundit Bhowanee Pershaud,	From 26th to 31st December,	5	3
		17*	193

* 16 Criminal cases, and 28 miscellaneous matters in that department were also disposed of by the Sudder Ameen.

gone such various changes, with which, it is possible, he may be unacquainted, that it will behove the Judge to maintain a careful and vigilant supervision over his official acts, with a view as well to his instruction, as to the prevention of illegality and injustice. In 19 appeals from Surubsookh Rae's decision as Sudder Ameen and Moonsiff, his order was upheld in 16 cases, a result indicative of careful investigation, and much deliberation in the adjudication of the cases coming before him, provided always, that a sound discretion has been exercised by the appellate authority in revising the proceedings of the Lower Court.

54. The officer, located at Muttra, included, there are 5 Moonsiffs employed in this District, by whom 1614* original suits were decided on trial at an average of 323 to each officer, and as many as 805 others were either struck off on default, adjusted or withdrawn, while in the miscellaneous department orders were passed by the same officers on the merits of 3135 cases, comprising the complete execution of 912 Decrees, 358 other applications of the same nature having been struck off after partial enforcement, and 1078 on default of the Decree holder to proceed in the matter. The individual performances of the several officers employed are exhibited in the marginal table, where also the cases of execution of Decrees, disposed of in each Court by full or partial satisfaction of the demand, are for facility of reference entered; the activity of Syud Abass Alee in the latter department is worthy of special commendation. In reviewing the Periodical Statements from this District, the Judge of the Court, on whom that duty devolved, took occasion to notice, as a point worthy of occasional enquiry, the large proportion of regular suits adjusted or withdrawn, and of applications for execution of Decree, struck off on default in the Subordinate Courts, and expressed a desire, that the Judge should at his leisure examine the records of a few cases, both regular and miscellaneous, with a view of ascertaining whether a system of collusion prevailed, in regard to the former, and satisfying himself that existing instructions, relative to the incurment, and the penalty, of default were rightly understood by the Moonsiffs. With reference to those enquiries, Mr. Boldero, discrediting the existence of any system of collusion, has, in his Report herewith submitted, given a detail of the several contingencies, in which, he conceives, the amicable adjustment or withdrawal of suits ordinarily originates, and, in regard to the frequent occurrence of default on the part of Decree-holders in suing out execution, has adverted to the vicinity of independent Territory, as a convenient asylum for judgment debtors, who, by availing themselves of the protection which it affords, find it no difficult matter to evade the process of the Civil Courts. That the operation of this local peculiarity is correctly represented, and that the circumstances, described by Mr. Boldero [which it is thought unprofitable to recapitulate] do go far to account for the large proportion of adjusted and withdrawn claims, must be confessed, and there is no room to suspect that the apprehensions of the Court were otherwise than unfounded. Excluding the cases carried up in appeal from the decisions of Lalla Surubsookh Rae, which have been already noticed, and from those of Syud Mahomed Khan, who officiated for 3 months of the past year as Moonsiff of Agra, and no longer retains office in this District, 105 appeals from the

* Of these were decided—
Exparte, ... 506
Ikbal Dava,.. .. 422
928

	Disposed of on Trial.				*Decrees fully and partialy executed.*
Agra Court, ...	391	of which by	Mr. J. P. Lyons, ... 196 Mahomed Khan offg. 195		185
Muttra Court, ..	233	by	Surubsookh Rae, ... 136 Mr. J. P. Lyons, ... 95 Pundit Bhowanee Pershaud,.. 2		145
Futtehpore Court, ..	325		Syud Ahmed Khan, ...	325	207
Bah Court, ...	329		Syud Abass Alee, ...	329	520
Etmadpore Court, ..	336	by	By Ewuz Alee Khan, ... 306 By Mirza Mahomed Alee Beg Officiating, ... 30		213
				1614	1270

orders of these functionaries were adjudicated with a result, as shewn in the margin,* creditable to the judgment of all, the reversals bearing a proportion of 19 per cent only to the aggregate number determined before the close of the period under review; nor is the paucity of appeals instituted to obtain reversal of the decisions, pronounced by the Courts of original jurisdiction, less remarkable as an indication of the satisfaction, afforded to the community at large by the care and judgment, evinced by these officers, in the investigation and determination of the causes, submitted to their judgment. Mr. J. P. Lyons, as heretofore, holds the first place in the Judge's estimation for judicial ability and aptitude, while in regard to Abbas Alee, the Moonsiff of Bah, it may be remarked, that in certain proceedings of his Court, which were brought under the notice of the Court owing to collusion between him and the authorities of the revenue and Magisterial department, he was found to have conducted himself with a degree of steadiness and independence, which is little less in favor of his official character, than the result of the revision, to which his judicial orders were subjected in the local Appellate Court, is, so far as that may be considered a just criterion, a convincing proof of his qualifications as a Judge.

	Tried.	*Confirmed.*	*Reversed.*	*Per centage of Reversals.*
* Mr. J. P. Lyons, Moonsiff of Agra, ...	22	18	4	18·1-5th
Syud Ahmed Khan, Do. of Futtehpore,	21	14	7	33·1·3rd
Syud Abbas Alee Do. of Bah, ...	36	34	2	5·3-5ths
Ewuz Alee, Do. of Etmadpore,	26	19	7	27 nearly
	105	85	20	19

55. A comparative Statement of the expense incurred in the maintenance of the subordinate Courts, and of the extent, to which it was counterbalanced, during the past year by the realized value of Stamped paper filed in each, is subjoined, and shews, that the former inclusive of the Sudder Ameen's allowances, exceeded the latter by Rupees 672, a deficit, which would disappear, were the more economical agency substituted for that of a Sudder Ameen at Muttra.

Moonsifees.	*Cost.*	*Net Revenue realized from sale of Stamps filed.*	*Difference.*
Muttra, ..	3960	2721	— 1239
Agra,.. ..	2280	2514	-|- 234
Futtehpore,	1680	1754	-|- 74
Bah, ...	1680	1790	-|- 110
Etmadpore,	1680	1829	-|- 149
	11280	10608	— 672

The jurisdictions of these Courts have not yet undergone adjustment, as above incidentally mentioned, agreeably to the principles set forth in the Resolution of Government dated 30th October 1837, and repeated in the Circular order of this Court dated 14th May 1844, owing to the incompleteness of arrangements in the Revenue department, as regards the District of Muttra, but, as this adjustment and the equalization, which it may be expected to produce, are more urgently needed in this, than in any other District under the Court's controul, it is hoped that the Government may see fit to take such measures as shall suffice to expedite its satisfactory completion.

56. The necessity, which will shortly arise, of removing the records of this Judgeship from their present depository to the new Court House, which is in course of erection

under the sanction, communicated in your letter, No. 5209, dated 30th November, 1844, has been thought to present a favorable opportunity of destroying such papers, as might be found on examination to be unworthy of preservation, and the Judge has been authorized to carry this measure into execution, relatively to all records of date, anterior to the year 1832, after due observance of the precautions, enjoined in the Circular Order, Sudder Dewanny Adawlut, No. 81, dated 1st February, 1833, but in preference to burning the records, as therein directed, it has been ordered that, after removal of the seals and signatures of public Officers, under the immediate supervision of some trustworthy ministerial Officer, they shall be torn up in such manner, as to prevent the possibility of their being applied to any sinister purpose, and sold for the benefit of Government to paper manufacturers, who, it is believed, will readily purchase them.

57. It remains only before closing this section of the Report, to notice the result of Appeals, heard by the Sudder Dewanny Adawlut, which cannot be regarded as other than unfavorable; in 9 Special Appeals from decisions, passed by the Judge, his order was in 1 reversed, and the other 8 cases were sent back by remand, while 3 Regular Appeals from the Principal Sudder Ameen's Court terminated in the confirmation of his judgment in one case, and its reversal in the remaining two. Regulation VI. of 1832 was practically inoperative in this District during the past year.

FURRUCKABAD.

58. The returns from this District for the past year have been submitted with a Report by Mr. W. H. Tyler, who, adverting to the recency of his elevation to judicial Office, and his consequent inability to give a detailed account of the operations of the several Courts, has confined his remarks to the quantity of business disposed of in each tribunal, and the individual exertions of the Officers concerned, leaving an opinion of their judicial qualifications and merits to be formed from a perusal of the full and communicative minute, put on record by Mr. Cartwright. The papers before the Court bear testimony to the efficiency of Mr. Cartwright's administrative management, no less than to the laudable industry of the subordinate judicial functionaries, who, with one or two exceptions to be noticed hereafter, enjoy a high character for ability, zeal and integrity, and will, it is hoped, be enabled to maintain the reputation, which they have acquired, under the supervision of Mr. Cartwright's successor. The Court think it due to Mr. Cartwright, who has been transferred to another branch of the service, to record their high sense of his zealous exertions in the cause of administrative improvement, as well as of the care, ability, and impartiality, with which his judicial duties have been uniformly conducted, and his controlling authority exercised, and to add that the beneficial effect of his efforts is apparent, not only in the increased efficiency of the inferior Courts, and the greater expedition with which justice is dispensed, but in the systematic arrangement of the Record department, which was a short time ago in much disorder, and the introduction of regularity of procedure in the preparation of cases for adjudication, as well as increased activity, generally, in the transaction of business. As contrasted with the year last reported on, there was a falling off in the amount of business instituted during 1844, fewer suits by 145 having been brought on the files, and the number before the Courts smaller by 277, thus shewing that the decrease in the income of Civil business, which was noticed in the 57th paragraph of the Civil Report for 1843 as a remarkable feature in this District, has been progressive: a diminution of 240 in the number of decisions on trial may be reasonably ascribed to this fact, and to the greater labor imposed upon the judicial authorities by the operation of Act XII. of 1843, the provisions of which may be presumed to have been rigidly enforced in

JUDGE.		
Headings, Nos.	1 to 14,..	350
,, ,,	15 to 17,..	6907
		7257

P. S. AMEEN.		
Headings, Nos.	1 to 14,..	566
,, ,,	15 to 17,..	1063
		1629

obedience to a Circular Order issued by the Court, under date the 16th August last, and to the latter cause also a small accession [17 cases] to the amount of the depending arrear, as compared with that which awaited future disposal at the close of 1843, may perhaps be fairly attributed. It would be as inconsistent with justice, as with reason, to found upon this unimportant circumstance imputations of defective industry, when it is shewn by the Statements and the Judge's report, that the pending arrear, not only; did not comprise an individual case, either regular or miscellaneous, of longer standing than a twelvemonth, but that "in the Principal Sudder Ameen's Court, where" Mr. Cartwright observes "cases are least quickly decided, the oldest one pending is dated 12th July, 1844." If the exercise of a careful and active supervision be considered to have any effect in expediting the transaction of judicial business in the subordinate Courts, and augmenting their efficiency by enforcing a strict observance of legal requirements, it will be admitted, that the commendation, bestowed by the Court on Mr. Cartwright's exertions, is not unmerited or misplaced.

59. As regards Mr. Cartwright's performances in his judicial capacity, it must be noted, that he was absent on leave for one month, during which the charge of the current duties devolved on the Principal Sudder Ameen, and was finally relieved on the 2nd December, so that he presided in the Judge's Court for 10 months only of the past year. Of that period 142 days were devoted to Civil duties, and 187 appeals were brought to decision on trial, fewer than in 1843, but still as much as could have been accomplished, with reference to the state of the regular file, on which no more than 54 cases awaited a final order, when the year ended, and of these the oldest was instituted on the 3rd September, 1844; such is the character, which Mr. Cartwright has established for zealous application and energy, that this falling off might be allowed to pass unnoticed without any apprehension of his reputation being endangered, but it is more satisfactory to the Court to explain, that it is attributable, in the first place, to a decrease in the number of appeals instituted, secondly to the Judge's absence for nearly 2 months, and, thirdly, as noticed by Mr. Cartwright himself "to the increased labor thrown upon him, as deciding officer, in carrying out the provisions of Act XII. of 1843; while asserting, that he has found the observance of this enactment to interfere considerably with the *quantity* of his decisions, he deprecates the inference from his expressions of any hostility on his part to its principle, which is, on the contrary, considered unquestionably just and proper, and well calculated in its practical operation to enhance the quality and the value of the judgments pronounced in our Courts. The work, dispatched in the miscellaneous department, comprehended the investigation and decision of 188 cases under Headings 1 to 14 of Statement No. 2, and the disposal of 6,906 matters under the remaining Headings of the same Statement, an amount, which might, and doubtless would have been exceeded, had the condition of the file permitted it: it is obvious, however, on reference to the comparative memorandum* entered in the margin, that the origin of this apparent inadequacy is to be found, not in any relaxation of exertion on the Judge's part, but in the diminution of miscellaneous business, resulting from the operation of Act VI. of 1843, which confines the execution of Decrees, and the disposal of all matters therewith connected, to the Courts of original jurisdiction, and from the effect of a Circular Order, dated 28th April, 1843, which put a stop to the practice, previously observed by the Moonsiffs, of transmitting all their requisitions to the judicial and revenue authorities through the channel of the Judge's office. Of the 120 cases, which composed the whole miscellaneous arrear, 37 only were referrible to the important matters, classed under the first 14 Headings of Statement No. 2, and of these, none had been on the file for more than 8 weeks. Criminal and Session duties occupied 62 days. The comparative leisure, acquired by this diminution of judicial labor, has

	Regular Appeals.			Miscellaneous.		
* Year.	*Instituted.*	*Decided.*	*Pending.*	*Instituted.*	*Decided.*	*Pending.*
1843, ..	292	298	69	10022	10089	46
1844, ..	247	203	54	7331	7257	120

been well employed by Mr. Cartwright in devising an uniform set of Registers for the use of the subordinate Courts, and thus abridging the labor devolving on their ill paid and inefficient ministerial Establishments: the advantages, which such uniformity of record is calculated to produce, are too obvious to need comment, and Mr. Tyler, the present incumbent, has been requested to submit the several forms of Register introduced into practice by his predecessor, in order that, if found by the Court to fulfil every legal and necessary requirement, they may be circulated for general adoption; for the execution of this difficult and useful task Mr. Cartwright is entitled to the acknowledgments of the Court, who have been prevented from the redemption of their pledge* in its regard by the pressure of their other onerous and more legitimate avocations.

* Vide para : 192 of Civil Report, for 1843.

60. Of 61 appeals, decided with the assistance of a Jury, convoked agreeably to the provisions of Regulation VI. of 1832, all but one were adjudicated in accordance with their verdict, which shews that the agency, provided by that Law, is ordinarily an honest auxiliary, and gives occasion to regret, that it is not more frequently called into action. The Court have commented so fully on this subject in the 62nd paragraph of their last Report; and in other places, that it is needless to detain the Government with a repetition of their sentiments respecting it. 2 Special appeals, heard by the Sudder Dewanny Adawlut terminated, the one in the confirmation, and the other in the reversal, of Mr. Cartwright's judgment.

61. In the 59th paragraph of the Civil Report for 1843 were mentioned certain circumstances, which had induced Mr. Cartwright to withdraw his former favorable opinion of Mr. Mercer's, the Principal Sudder Ameen's official merits, and had obliged the Court to forego their intention of nominating him to fill the first vacancy, occurring in the superior grade of officers of this denomination. In the minute recorded by Mr. Cartwright, the Court regret to find, that, though credit is given to the Principal Sudder Ameen for "assiduity and regular attendance at his office" much reason has been found during the past year for impugning the legality of his proceedings and the correctness of his judgment, and that, since the detection and exposure of disorganization in the Nizarut department of this office, and the discovery of other serious irregularities, which necessarily had the effect of lowering his official character in the estimation of his immediate superior, "his cordial cooperation" with Mr. Cartwright ceased to be accorded: Mr. Mercer's great respectability, no less than the high judicial character, which he once possessed, is unquestioned, and the Court participate in the earnest hope, expressed by Mr. Cartwright, that he may be able at no distant period to do away with the unfavorable impressions, that recent events have created, a result, however, which cannot be looked for, unless Mr. Mercer consent to labor with the zeal and cordiality, which have heretofore usually distinguished his conduct. In this Court during the past year decisions after trial were passed in 194 regular suits [of which 133 were original and 61 appeals] and 272 cases under the first 14 Headings of Statement No. 2, comprising, among others, 47 Petitions of appeal under Regulation VII. of 1825, 101 applications for execution of Decree struck off after full enforcement, and 92 cases of objections preferred in course of execution, were determined by orders on the merits, to which is to be added the disposal of 1059 matters under the three unimportant headings of the same return: on the regular file 63 suits, and on the miscellaneous 91 cases [18 of which were referrible to the last 3 headings] awaited decision, when the year closed, a result, exhibiting, notwithstanding the Judge's objection to the paucity of Mr. Mercer's decisions, and his dilatoriness in pronouncing judgment, "neither of which" Mr. Cartwright obserses "was warranted by the state of his regular file,"—a considerable diminution of arrear in both departments of business. Although, therefore, no exception can be taken to the quantity of work dispatched by Mr. Mercer, there is much room to question the quality of his judicial decisions, if the result of appeals, tried by the

Judge, is to be received as an index of their value, for, of 63 cases adjudicated no less than 34 or more than half terminated in the reversal of his judgment: it cannot be concealed, that the proportion is unusually high, and that carelessness of investigation, or want of deliberation is thereby indicated to a degree, which must ultimately prove highly discreditable to Mr. Mercer's official reputation, unless improvement in this respect be quickly manifested. It may not be thought irrelevant to allude in this place to a decision pronounced by Mr. Mercer, which fell incidentally under the notice of the Court, but was thought to betray such defective judgment, and such want of familiarity with the principles that should have governed the adjudication of the suit, to which it referred, that the Court felt it their duty to require from Mr. Mercer a detailed explanation of the grounds, on which the decision in question was based, and, after a consideration of that explanation to condemn its insufficiency, and the incorrectness of the judgment, which it was designed to elucidate. Of 6 regular appeals, heard by the Sudder Dewanny Adawlut, Mr. Mercer's order was in 3 upheld, and reversed or modified in the like number. In reply to an address submitted by Mr. Mercer during the past year, remonstrating in very respectful terms against his supersession by the elevation of Tussuddoook Hossein Khan, Principal Sudder Ameen of Moradabad, to the higher grade, the Court deemed it sufficient to refer him to the 59th paragraph of the Civil Report for 1843, for an exposition of the reasons, by which they were influenced in departing from the rule, under which seniority is, cæteris paribus, admitted to carry with it a preferential title to promotion.

62. All the 6 Moonsiffs employed in this District, with one exception, receive from Mr. Cartwright a high character for judicial efficiency, energy and industry, and the business transacted by them, though smaller in quantity than that disposed of in 1843, is such as to reflect credit upon their exertions. By these Officers collectively, 1761* suits were decided on trial, at an average annual rate of 293½ to each Officer, and orders were passed on the merits of 5094 miscellaneous cases, inclusive of 566 applications for execution of Decree, which were struck off after complete enforcement, and 1028 others, which were disposed of by a partial settlement of the adjudicated claim: the files were free from the encumbrance of old cases, and the arrear in both departments was light, when the year came to a termination. With the exception of the two functionaries, Shaikh Akbur Alee, and Shaikh Momin Alee, who hold their Court in the City of Furruckabad, and who are conspicuous no less for their industry, than the superiority of their judicial qualifications and merits, none of the Moonsiffs succeeded in passing decisions on trial, equivalent to the prescribed standard, being prevented apparently by the unprepared condition of the pending cases, which were few in number, and of recent institution, and absolved thereby from all suspicion of remissness or want of proper application to the duties of their station. It will be observed, as regards the regular decisions on trial, that as many as 1106 were disposed of either "exparte" or on confession of judgment, and that notwithstanding this large proportion, the circumstance has failed to attract the observation of the reporting officers, who will, however, be reminded of the Court's wish to receive explanation of the origin of this preponderance, whenever, as in the present instance, it may constitute a remarkable feature in the operations of the subordinate Courts, not from any objection to either mode of adjudication, but from a desire simply, as mentioned in other parts of this address, to ensure in the one class of cases, the observance of all legal precautions, and the prevention, in the other, of the privilege of confessing judgment being, on the one hand, abused by the litigant parties, or used by the Moonsiffs, on the other, as an instrument for the fabrication of fictitious suits. Of the judicial ability, possessed by the Moonsiffs generally, as inferrible from the result of Appeals from their decisions, the Court might not be disposed to entertain a favorable opinion, seeing that of 185 cases, adjudicated by the Judge and Principal Sudder Ameen, the orders of the tribunals of first instance were upheld in 116 or in the

* Of which decided Exparte,.. 318
Ikbal Dava,..... 788
1106

proportion of 62·2-3rds per cent, but for this general Statement it seems desirable, in justice to those, who are not liable to be included in this condemnation, to substitute in the margin a memorandum, exhibiting the mode in which the Appeals, as they regard individual Officers, were adjudicated, and representing a result no less creditable to the 2 City Moonsiffs, and the functionaries located at Kaemgunje and Doondwara, than it is unfavorable to the judgment of the two remaining Officers. Of these Ghoolam Moheeooddeen, the Moonsiff of Chibramow, has on former occasions been mentioned as wanting in those habits and acquirements, which constitute judicial efficiency, and he has been accordingly required to submit to an examination before the Divisional Committee of Agra on the occasion of their next convocation, or to relinquish his appointment; he has expressed his readiness to attend, and may perhaps succeed in passing through the ordeal with success. The indifferent result of Appeals from the orders of Gunput Rae, the Moonsiff of Kunouj, is, it is just to add, ascribable to no want of assiduity, or ability, [for he is allowed by Mr. Cartwright to be "an assiduous, clever person," and "a promising young Officer"] but to his limited experience in the Judicial Department, into which he was introduced in January, 1844. In regard to these Officers, it is only necessary to add that Sheikh Akbur Alee, the 1st Moonsiff of the City has maintained his high and well merited character, as an able and industrious native Judge, and that the merits of Sheikh Momin Alee, the 2nd Moonsiff, have been acknowledged during the past year by his promotion* to the superior grade of Officers of this denomination; "the way," observes Mr. Cartwright in recording his opinion of this Officer, "in which he conducts his cases, his laborious research, his deliberation and accurate judgment, appear to be entitled to the highest praise," and his decisions are said to be "excellent specimens of native adjudication:" this is warm commendation, and Sheikh Momin Alee, it is hoped, will vindicate Mr. Cartwright's judgment in the course of his future judicial career.

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Per Cent.*
Akber Alee, Moonsiff of Furruckabad,..	46	31	15	32 nearly.
Momin Alee, 2nd Moonsiff Ditto,.....	33	22	11	33⅓
Hydur Alee, Moonsiff of Doondwara,..	13	9	4	31
Kurm Alee, Moonsiff of Kaemgunje,....	21	15	6	28⅔
Ghoolam Moheeooddeen, Moonsiff of Chibramow,.....	35	19	16	45⅔
Gunput Rae, Moonsiff of Kunouj,.....	37	20	17	46
	185	116	69	
By Judge,.....	124	85	39	
By P. S. Ameen,.....	61	31	30	

* Vide my letter, No. 1879, dated 26th Oct., Your reply, No. 5096, dated 21st November, } 1844.

63. The comparative Statement subjoined exhibits the actual cost incurred in the maintenance of the subordinate Judicial Establishments during the past year, and the extent, to which it is countervailed by the amount realized from the sale of Stamped paper filed in the several Courts, the latter falling short of the former by Rupees 362: 2: 3, an inconsiderable deficit.

Moonsifees.	*Cost.*	*Amount realized by sale of Stamps.*
1st Moonsiff, Furrucakabad,.... *Rs.*	2,280	2,123 6
2nd. Do.	1,746 10 8	2,334 12
Moonsiff of Doondwara,.....	1,680	1,462
Do. Kaemgunje,.....	1,680	1,536
Do. Chibramow,.....	1,652 3	1,567 2
Do. Kunouj	1,679 10 7	1,333 2
Total,.....	10,718 8 3	10,356 6

The juris-

dictions of these Courts have not yet undergone revision in accordance with the principle prescribed by the Government in their Resolution dated 30th October, 1837, and recapitulated in the Circular Order of the Court, dated 14th May, 1843, the Judge having expressed his inability to conform to that requisition, until the arrangements in the revenue department had received the sanction of Government; application has been made to the Sudder Board of Revenue on the subject, and there is reason to hope, that no long time will elapse, before this very desirable adjustment is brought to a satisfactory completion. The record department of this Judgeship needs no remark, Mr. Cartwright's zealous and highly commendable exertions in its reorganization having been brought specially to the notice of Government in the 62nd paragraph of the last annual Report, and the correspondence therein adverted to.

64. During the past year some correspondence occurred regarding Section 8, Regulation II. of 1803, which, in conformity with the conditions of Treaty, guarantees certain privileges and immunities to the Newab Raes of Furruckabad, and which appeared to have been misunderstood by Mr. Cartwright. As the question is one of some importance and not altogether unconnected with political considerations, I am desired to recapitulate the purport of the said correspondence for the information of Government, merely premising that the point, as stated below, was judicially determined by the Court. The circumstances of the case, as well as the sentiments of the Court, are set forth in the following extracts from my letter, dated 26th August last, to the address of the Judge of Furruckabad: "certain property, declared by a Decree-holder, suing out execution of his Decree, to belong to one Hussun Alee Khan was attached by the Principal Sudder Ameen of Furruckabad: on the simple assertion of the Newab Raes, that various articles, included in the Schedule, had been devised to him by gift, apparently unsupported by any evidence of its truth, but backed nevertheless by the request of the Agent to the Lieutenant Governor, the attachment was partially removed, a little hesitation at first manifested by the Principal Sudder Ameen, having been subsequently overruled by the Judge's order. On appeal, preferred to the Sudder Dewanny Adawlut, the proceedings of the Lower Courts were reversed, and injunction issued, in the ordinary course, for revival of the attachment, and ultimate sale in execution of the Decree, in the event of no title to the property being intermediately established according to Law." To this interference Mr. Cartwright objected on the ground, that it was at variance with the 6th Article of the Treaty of Barelly, and the provisions of Law above cited, and that, as the Newab Raes could not come forward, either as Plaintiff, Defendant or objector in a Court, possessing no jurisdiction in respect of him or his personal concerns, unless the matters, in which he might be implicated, were first investigated by the Agent, the whole of his property might be alienated from him, and "he not able to say any thing in its defence." The terms of the Treaty are, as follows: "the authority of the Adawlut shall not extend to the Newab, but as his connections and dependents are undefined, &c., it is agreed, that whatever complaint may be preferred against any of the Newab's dependents shall in the first instance be referred to the Newab, and in the event of the complainant not receiving speedy justice, or being dissatisfied with the Newab's decisions, the complaint shall be decided in the Adawlut." It is argued by the Court, [and on these arguments their judicial decision is based] that this article of the Treaty, legalized by Section 8, Regulation II. of 1803, cannot be held, by the widest latitude of construction, so far to restrict the jurisdiction of the Civil Courts of Furruckabad, as to prohibit the enforcement of a judicial award against the Newab's dependents, for, if they be empowered to entertain and decide secondarily complaints brought against those dependents, they must, as a matter of course, be vested with authority to carry their decisions into execution: such, however, might be their anomalous position, were an attachment, made in execution of a Decree, removeable merely on the representation of the Nuwab Raes through the channel of the Agent, and further, it is obvious, that, were such the Law, an unsupported allegation on the part of the Newab, that he possessed an interest in property brought under attachment, backed by a representation to the like effect from the Agent to the Lieutenant Governor, would suffice to stay almost

any executive process, and reduce the authority of the Civil Courts to a nullity. This is an extreme case, avowedly not likely to occur, but, the Court observe, that in the course of business the Civil Courts must occasionally come in contact with the Newab Raes, and, having issued process of attachment against property pointed out by a Decree-holder, they cannot relinquish their lien upon it, on the bare assertion, or may be, the revival of a dormant claim, on the part of the Newab, or without the due observance of those rules, which are prescribed for their guidance in such cases. The Court, though not apprized of the powers, possessed by the Agent to the Lieutenant Governor, can have little doubt, that, whatever his authority in the adjustment of disputes involving the personal property of the Newab Raes, it was never intended to extend to a right of summary interference with the legal proceedings of the Courts of Justice, such as was exercised by Mr. Cartwright in the case under consideration. The Court, moreover, do not find that under the Law the constituted Agent of the Newab is prohibited from making appearance in the Civil Courts, and they conceive, that it would be no disparagement to the dignity of the Newab, or the authority of that Agent, to plead objections to the disposal of property, attached by order of the Courts, in satisfaction of Decrees, passed against his dependents, or other parties connected with him, and prevent. by adduction of the requisite proof, the fraudulent alienation of his property, which Mr. Cartwright seems to anticipate; on such occasions it would seem to be the express duty of the Agent to the Lieutenant Governor to make appearance in Court, either in person or by Vakeel, on the part of the Newab, and to advance such evidence, as he may be placed in possession of, with a view to the substantiation of the Newab's claims. On the above grounds the Court deemed it fitting to reiterate their injunction for execution of their judicial order, Mr. Cartwright's objection to which gave rise to the correspondence, which has been above recapitulated.

65. There seems to be nothing more, connected with the administration of Civil Justice in this District, during the past year, which calls for special notice.

MYNPOOREE.

66. The Court are gratified to find, that their expectations of improvement being effected in the state of business in this District by the uninterrupted continuance of Mr. C. F. Thompson's labors have not been disappointed, and that the Returns for the past year bear favorable testimony not less to the praiseworthy diligence of the subordinate judicial agency, than to the activity and carefulness of the Judge's supervising direction. This result is manifested, not only, by the absence of accumulated arrear on the general file, but by the paucity of long standing cases, awaiting decision in the several tribunals, at the close of the year under report, as compared with a corresponding period of 1843, [as indicated in the margin*], and is the more creditable, as it has been accomplished in spite of the vacation of the Principal Sudder Ameen's Court for 4 months, and changes of incumbency, which interfered with judicial operations in the Moonsifees of Mynpooree, Etawah and Sahawur for various periods. As compared with the antecedent annual period, there was in 1844 but little change in the amount of business instituted, the suits brought on the file having been more numerous only by 78, while, owing to a diminution of the arrear at the end of 1843, as compared with the state of the general file at its commencement, there was a decrease of 12 in the aggregate number of cases before the Courts for trial; the decisions on trial and otherwise were nearly the same as in the preceding year, and the cases, awaiting future disposal were fewer by 14, than at the end of 1843. Of the regular and miscellaneous cases noted in the margin as

JUDGE.

Headings, Nos.	1 to 14,..	263
,, ,,	15 to 17,..	646
		909

P. S. AMEEN.

Headings, Nos.	1 to 14,..	237
,, ,,	15 to 17,..	1423
		1660

	Regular Suits older than 12 months.	*Miscellaneous Cases.*
* 1843,..	37	35
1844,..	1	8
Decrease,	36	27

having been on the files for more than a twelvemonth, none remained undecided at the date of the Judge's report [2nd June] so that the Civil administration of the Zillah would seem to have been generally successful, and the exhortations of the Court, communicated from time to time on quarterly revision of the periodical statements, not altogether inefficacious.

67. With the exception of 16 days of August, during which the charge of the current duties devolved on the Principal Sudder Ameen, Mr. C. F. Thompson presided in the Judge's Court throughout the year, and, confining himself exclusively to the discharge of appellate functions, decided on trial 100 regular suits, and it seems questionable, whether with reference to the lightness of his file, on which only 48 cases were depending when 1844 closed, a larger quantity of work in this department could have been disposed of, even had the large demands upon his exertions, as Judge of Sessions and Criminal Appeal, which engrossed 142* days [17 more than in 1843], left more time available for the performance of Civil duties. In the same Court 165 miscellaneous cases under Headings 1 to 14 of Statement No. 2, comprising 23 Petitions for Summary Appeal, and 82 applications for appeal under Regulation VII. of 1825, were likewise disposed of after investigation of the merits, and 577 orders were passed on the matters falling under the remaining Headings of the same statement, while the arrear in this branch of business, which at the beginning of the year was composed of 97 cases, included at its close no more than 33. The Judge's performances, therefore, with special reference to his frequent occupation in Sessions and Criminal duties, and to his vigilant supervision of the Lower Courts, evidenced by the detailed examination of their proceedings in cases of various kinds, with a view to the correction of irregularities that might be apparent therein, are considered by the Court very satisfactory. During the year two special appeals came before the Sudder Dewanny Adawlut from Mr. Thompson's judgment, and terminated, the one in its reversal, and the other in the case being sent back by remand.

* 60 Sessions trials and 215 Appeals from the Magistrates were decided during this period.

68. The Principal Sudder Ameen, Mahomed Alee Nukee Yawur Khan, whose subsequent retirement on pensionary support is adverted to in the 68th paragraph of the Civil Report for 1843, was absent on leave from the 7th February to the 9th June, and after resuming his duties on the 10th June, resigned his appointment on the 18th August: during the interval of his first absence his office was vacant for one month and 6 days, and from the 12th March until his return Moulvee Mahomed Kureem Koolee officiated* as Principal Sudder Ameen in his stead, the permanent vacancy in the incumbency of this Court, occasioned by the succession of Mahomed Alee Nukee Yawur on the 18th August, not being filled up until the 13th November, when Mahomed Fuzl Azeem, appointed under orders of Government, No. 2819, dated 27th July, reported his arrival at Mynpooree. In this Court thus administered, the business dispatched comprehended the decision on trial of 108 regular suits, [of which 46 were original and 62 appeals] the disposal, after investigation of the merits of 143 cases and Petitions under the 14 important Headings of Statement No. 2, and the enunciation of 1409 orders under the remaining Headings of the same return, and this, though an inadequate amount of work according to the usual standard, appears to have been as much as the light state of the file of this Court and the mutations of incumbency mentioned permitted the accomplishment of. The Memorandum entered in the margin exhibits the share, taken by each of the three Officers employed, in the dispatch of the business described, and calls for no particular remark, save that in the miscellaneous

* Vide my letter, No. 292, dated 14th February, 1844.
Your reply, No. 793, dated 29th February, 1844.
My letter, No. 774, dated 30th April, 1844.
Your reply, No. 1899, dated 18th May, 1844.

		Miscellaneous Cases.		
	Regular Suits decided on trial.	*Headings, 1 to 14.*	*Headings, 15 to 17.*	
Mahomed Alee Nukee Yawur,....	31	49		
Moulvee Mahomed Kureem Koolee,	40	52		
Mahomed Fuzl Azeem, ...	37	42		1409
	108	143		

cases are included 58 applications for execution of Decree, struck off after full or partial enforcement, and that the one case of that description, which had been pending for more than a year, awaited the primary decision of claims or objections preferred by parties to the sale of property sequestrated in execution; whether their services were put in requisition by the Magisterial authorities, cannot be ascertained in the absence of the Annual Criminal Statements for the past year, which have not been received up to the date of this Report, a delay, for which no explanation has been offered, and no sufficient excuse can be conjectured. The late Principal Sudder Ameen's judgment was affirmed in 25 out of 38 appeals adjudicated by the Zillah Judge, and the proportion of confirmations which this result exhibits, is deemed creditable; of his official character, however, no more particular opinion seems to be called for, seeing that he has been removed from the supervision of the Court by his acceptance of a pension, while of Mahomed Fuzl Azeem's qualifications, and conduct in the new sphere of action, to which he has been recently elevated, little or no opportunity has been afforded of judging: if he realize the promise of his judicial career hitherto, no doubts need be entertained of his efficiency, but he is discontented with his position at Mynpooree, by reason of its distance from his paternal home at Goruckpore, and upon that ground founded an application for removal, which was by the Court rejected, with a remark, that his private inclinations must yield to the exigencies of the public service, which would not be consulted by an acquiescence in his request.

NOTE.—From these Statements, which have been since received, it appears that the Principal Sudder Ameen decided 14 Criminal cases, and disposed of a few other miscellaneous applications in that Department.

69. While the performances collectively of the 5 Moonsiffs, serving in this jurisdiction, as regards the regular department, are represented by the determination on trial of 1123 suits, at the annual average rate of 224½ to each officer, the details of the Statements under notice shew that none of these officers had files sufficiently well replenished to enable them to attain to the expected standard, and that at the close of 1844, the aggregate arrear in the five Courts did not exceed 357 cases. Of the above 242 cases were tried exparte, and 489 were decreed on confession of judgment, and of the arrear no suit had been awaiting decision for more than a twelvemonth, results, which must be considered to reflect credit on the agency engaged, when it is found that the Mynpooree office was vacant from the 11th March to the 30th April, that operations were from a similar cause suspended in the Moonsifee of Etawah from the 12th February to the 26th June, and that Abdool Hafiz Alee Khan, Moonsiff of Suhawur, who was absent on leave from the 14th to the end of November, finally relinquished charge on the 20th December in progress to join his appointment at Cawnpore, to which District for reasons which it is needless to detail [but which, it may be mentioned, are not such as to reflect on his official reputation] the Court deemed it advisable to remove him. In addition to the above, 589 Decretal orders were carried out to complete or partial execution, in the proportion of 342 to the former and 247 to the latter category, together with other miscellaneous work relating thereto, which was disposed of after investigation of the merits, and, when the period under report terminated, the pending applications for execution of Decree were fewer by 22 than at a corresponding period of the preceding year: the notice taken by the Court, early in the past year, of the insufficient attention bestowed by the Moonsiffs generally on this branch of work, would seem to have had the effect of stimulating them to a proper measure of zealous exertion, and of bringing about the results, reasonably satisfactory, if the reduced strength of the Establishment be borne in mind, above described.

70. The marginal Extract from the Tabular Statements, exhibiting the manner in which appeals from the decisions of these functionaries terminated, represents the judgment of all in a remarkably favorable light, the Moonsiff of Suhawur excepted, and his practice in one or two respects the Judge, on examination of his proceedings, found to be erroneous; more numerous irregularities, referrible almost entirely to the miscellaneous branch of work, were detected in the Etawah Court, owing, Mr. Thompson observes, to the inexperience of the incumbent, who commenced his judicial career only on the 26th June, 1844, but these deviations from proper legal procedure have been pointed out for future correction, and will not, it is likely, recur, inasmuch as Pundit Ruttun Loll is reported to be "intelligent, and a good scholar," and to "bear a high character;" this testimony in his behalf is fully borne out by his decisions in regular suits having met with affirmation in the proportion of 80 per cent on the aggregate number adjudicated, while of the capacity of Soondur Loll, the other newly inducted functionary, a favorable estimate may be reasonably deduced from the results marginally exhibited. Mahomed Ahsun, the Moonsiff of Shekohabad, who was during the past year rewarded for his past services, his meritorious conduct, and his superiority, in respect of qualifications, to his brother Moonsiffs, by preferment* to the higher grade, has been more recently permitted† to secede from public life on a Pension, to which the respectability of his official character, and the period of his employment were thought to entitle him. In regard to Uleemooddeen, mentioned in no flattering terms in the 60th paragraph of the last Report, Mr. Thompson reports more favorably: it is true that, on inspection of his proceedings in certain miscellaneous cases, some irregularities of procedure were brought to light, as mentioned in the 70th, 71st and 72nd paragraphs of the Judge's report, but notwithstanding these he expresses himself "satisfied with the decisions, industry and attention of Moonsiff Uleemooddeen" to his "orders and instructions," the errors of practice alluded to, consisted in his requiring auction purchasers to file Dukhlnamehs on Stamped paper, which is beyond the requirements of Law, in his departure from Circular order Sudder Dewanny Adawlut, dated 17th January, 1842, and 21st August, 1843, in the assignment of compensation to Ameens acting under his directions, and in his inclusion of the names of several Defendants in one proclamation, which has been declared [vide supra paragraph 25] to be opposed to the provisions of Section 22, Regulation XXIII. of 1814: these errors though not of a serious nature, should not have been suffered by a Moonsiff, having the judicial experience of Uleemooddeen, but the Court will hope, that the penalty, implied in his removal from the difficult jurisdiction of Kunouj, and the impediment to promotion, which will be the consequence of official disrepute, may have some influence in leading him to be careful and circumspect, as well in the preparation of his cases for adjudication, as in their decision.

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Per Cent of Reversals.*
Soondur Loll, Moonsiff of Mynpooree, ...	16	15	1	6¼ per cent.
Mahomed Ahsun, Moonsiff of Shekohabad, ...	23	18	5	21¾
Mahomed Abdool Hafiz Alee Khan, of Suhawur, ...	15	7	8	53⅓
Ruttun Loll, Moonsiff of Etawah, ...	20	16	4	20
Uleemooddeen, Moonsiff of Phuppoond, ...	25	19	6	24
	*99	75	24	24¼
* By Judge, ...	52	46	6	11½ nearly
By Principal Sudder Ameen,	47	29	18	38⅓
	99	75	24	

* My letter, No. 1,691, dated 24th Sept. 1844.
Your reply, No. 4,433, dated 8th October.
† My letter, No. 638, dated 5th April, 1845.
Your reply, No. 1,641, dated 19th Idem.

71. The subjoined comparative Statement is designed to shew the actual cost, incurred in the maintenance of each Moonsifee during the past year, but doubts of its accuracy

may be reasonably entertained, inasmuch, as notwithstanding the vacation of the Mynpooree and Etawah Courts for the periods indicated in the 69th paragraph, the full annual charge of Rupees 1680* is entered the Judge will be required to explain this apparent error, and the correction thereof will be intimated in the form of a note, should his reply be received before the transmission of these pages to the Press.

* Quasi—Moonsiff—Rs. 100 per month,.. = 1200
Establishment, 40 per month,..... = 480
1680

Mynpooree,	..... Rs.	1680	0	0	..... Rs.	1319	0	0
Shekohabad,	.....	1818	11	4	.....	1351	4	0
Suhawur,	.....	1680	0	0	.....	1062	4	0
Etawah,	.....	1680	0	0	.....	1098	4	0
Phuppoond,	.....	1680	0	0	.....	1390	4	0
		8538	11	4		6221	0	0

it is unprofitable with reference to the above supposition of error, to comment on this return. In respect of these Courts, it is only necessary to add, that the Judge's report relative to the revision of their jurisdictions may be expected to be shortly submitted, the assent of the Commissioner of the Division to the Judge's propositions being alone necessary.

72. In the closing part of his Report the Judge mentions, that the Record Department continues in the efficient and orderly condition, in which it was left by his Predecessor, Mr. A. W. Begbie, who, with the aid of his Ministerial Establishment, and without the incurment of any extra expense, succeeded in accomplishing this very desirable object; —the mode of arrangement, though differing from the approved plan, is found to have been practically good.

CAWNPORE.

73. The Court continue to be satisfied with the personal assiduity of Mr. A. Speirs, who held the office of Judge throughout the past year, and with the attention given by him to the work of general control and superintendence, which has ever been regarded as a duty of primary importance, and they are gratified in being able to deduce from the Statements under review conclusive evidence of zealous and industrious exertions on the part of the subordinate judicial functionaries. As regards the general file and the quantity of regular business, brought to a termination by the whole of the Judicial Establishment of this District collectively, it is to be remarked, that, notwithstanding the institution during the past year of 95 more suits than in that which preceded it, there were 97 fewer before the Courts, owing to the diminution of 192, effected in the arrear of the former period; nevertheless the decisions on trial were more numerous by 102, [the number of those adjusted and withdrawn having been smaller by 201] the amount of depending arrear at the close of the year under report differed but little from that, which remained for future disposal at its commencement, and of the 480 cases, original and appeal, which composed this arrear, a small proportion comparatively were of older date than a twelvemonth. Of these cases, in number 13, the distribution is given in the margin,† according to the year of their institution, and the Court, in which they were, severally, pending; all but 4 before the Principal Sudder Ameen had been remanded for

JUDGE.
Headings, Nos. 1 to 14,.. 618
„ „ 15 to 17,.. 6202
6820

P. S. AMEEN.
Headings, Nos. 1 to 14, .. 393
„ „ 15 to 17, .. 1034
1427

† Principal Sudder Ameen, 1 of 1841, 8 of 1843 = 9
Sudder Ameen,.. .. .. 2 of 1843 = 2
Moonsiff 2d Division, ... 1 of 1843 = 1
Moonsiff 3d Division, ... 1 of 1843 = 1
13

re-investigation and retrial by the superior Courts, and in the proceedings held to prepare them for adjudication no avoidable delay would seem to have been permitted, while, as regards the miscellaneous file, which exhibited* 5 applications for execution of Decree of more than a year's duration, when 1844 ended, some improvement is apparent, as compared with its condition at a corresponding period of 1843, when 7 cases of the same nature required a final order; the protraction of these latter cases was not considered by the revising Judge of this Court, to be justly ascribable to other than uncontrollable circumstances, but in one instance the Sudder Ameen's proceedings in revising his own orders, and quashing a sale made by his own directions, were denounced as illegal, and the explanation, which he was required to submit, failed to afford any justification of this departure from Law and established practice. The only circumstances of a general nature, immediately connected with the judicial and executive business, transacted in the Courts of this District during the past year, which seem to call for remark, are, firstly, the increase observable in the number of suits instituted for the rents of land; and secondly, the operation of Act VI. of 1843, under which miscellaneous business, brought before the Courts of the higher grade, has diminished much in the same proportion, that it has received an accession in the inferior tribunals: of the latter it may be generally observed, that it is the necessary effect of the extension of the powers, formerly possessed by the Moonsiffs, and that the increased demands upon the energies of the subordinate agency have been adequately met by corresponding exertion, while of the causes, in which the former peculiarity may have arisen, no definite opinion can be formed at this early period, but it has attracted the attention of the Judge, who alludes to it in the 3rd paragraph of his Report, and will doubtless endeavour, in the event of its recurrence in ensuing years, to elucidate its origin.

* Sudder Ameen, ... 4
Moonsiff 4th Division,.. 1
— 5

74. During 152 days, devoted to the duties of the Civil Court, Mr. Speirs, exercising exclusively appellate functions, passed decisions after trial on 216 regular suits, and also determined after investigation of the merits, 509 miscellaneous cases under Headings 1 to 14 of Statement No. 2, [including 12 Decrees, either completely or partially executed], besides passing numerous† orders under the three remaining Headings: of the above, as many as 245 had reference to applications for redemption and foreclosure of mortgage, of which "it may not be uninteresting to mention, that in 16 cases the parties settled their accounts and cancelled the deeds," and the remainder is composed principally of 67 petitions of Appeal under Regulation VII. of 1825, and 87 other applications from Paupers under the provisions of Regulation XXVIII. of 1814. These performances are deemed satisfactory by the Court, with especial reference to the fact of Mr. Speirs' extensive employment in Sessions and Criminal duties, which engrossed 91 days, in 1843 and 98 in the period under report, and to the efficiency of his supervision, as shewn by the results, exhibited in the present returns, the only intermission of his attendance in Office having been [besides the ordinary Holidays] occasioned by indisposition for 5, and his association for two days with the Committee assembled at Cawnpore for the examination of Military Officers. The agency, permitted by Regulation VI. of 1832, was employed in the adjudication of 11 appeals, of which 1 only was decided in opposition to their opinion, and the Judge, in noticing the operation of the Law in question, acknowledges the assistance which he derived from the advice and co-operation of the parties employed, "who" he adds "were generally men quite unconnected with the Courts." In reference to the business of the miscellaneous department, Mr. Speirs [paragraph 8] notices certain complaints regarding the prevalence of "numerous frauds," instancing, among others, a practice, followed by parties cast in Civil actions, of making a fraudulent conveyance of their property, before execution of the Decree is sued out, and, after registering memorials of the deeds, giving real or nominal possession, and he adds remarks regarding the difficulty of either preventing the transaction or proving that it is fictitious: for the precise contingency, con-

† 6186.

templated by Mr. Speirs there is no express legal provision, but every suitor is at liberty, the Court remark, either in the incipiency, or at any subsequent stage of his cause, to apply to the Court for attachment of the defendant's property, should he see cause to apprehend that the said defendant means to dispose of the property in his possession by private transfer, or to remove it from the jurisdiction of the Court, a privilege, which, if duly availed of, should serve to counteract the effects of the fraudulent and unprincipled practice above noticed. Moreover, it should be borne in mind, relatively to Mr. Speirs' remarks on the subject, that the supposed evil results solely from delay in suing out execution of the decree, the remedy for which is of course in the hands of the party, in whose favor such decree may have been passed; it appears to the Court, that no other protective provisions than those, which existing Law contains, are called for.

75. Paragraph 75 of the Civil Report for 1843 adverts to an interruption, occasioned in the incumbency of the Principal Sudder Ameen's Office during that year by the resignation and retirement of Mahomed Hukeemooddeen, and the succession of Khadim Hossein Khan, the present Principal Sudder Ameen, to the vacancy thus created: during the past year no such intermissions of official labor occurred, and the result is apparent in the increased quantity of regular business brought to a termination, and in the reduction of miscellaneous arrear, as compared with its amount at the commencement of the period under report, there has been, it is true, a great falling off in the demands made upon the Principal Sudder Ameen's times and energies by the duties of the latter department, but his occupation, on the other hand, in giving aid to the Magistrate by the decision of Criminal cases, has been more frequent and considerable, than heretofore usual, and may perhaps be deemed to counterbalance the deficiency noticed. The work, dispatched by this Officer, comprised the decision on trial of 199 regular suits, of which 57 were original, and 142 Appeals, and the disposal, after investigation of the merits of 275 cases and petitions under Headings 1 to 14 of Statement No. 2, in which are included 180 applications for execution of Decree, struck off after full or partial enforcement, and it appears to the Court with reference to the lightness of the files, both regular and miscellaneous, on the former of which 56, and on the latter 75 cases, only awaited disposal when the year closed, that these performances could hardly have been exceeded; generally speaking, cases were disposed of with all desirable celerity, and those, which formed an exception, were of a heavy and complicated character, which in Mr. Speirs' opinion, "in some degree accounted for the delay" observed in their decision; the Principal Sudder Ameen decided 84 Criminal cases, made over to him by the Magistrate, and passed orders on 260 applications and petitions referrible to the same department. Such being the quantity of work, brought to a conclusion by Khadim Hossein Khan, it remains to examine its quality, which, the Court regret to find, is very unfavorably represented by interference being had with his judgment in 10 out of 19 regular appeals, preferred from orders, passed by him in the capacity of Principal Sudder Ameen, and in 3 out of 4 special appeals from his Court, which were adjudicated by the Judge, while decisions, pronounced by him, as Sudder Ameen and Moonsiff, do not seem to have been more generally approved, having met with confirmation and reversal in nearly equal proportions, in 27 cases, which were reviewed by the local appellate Court. Nor is the very high proportion [66 per cent] borne by appeals, instituted, to the number of his decisions on trial, less indicative of general dissatisfaction, than the result above denoted, and the equally unfavorable termination of summary and miscellaneous appeals from his orders [as shewn in the marginal note] affords evidence of defective judgment, or that, which is hardly a greater fault in a judicial Officer,—a disposition, namely, to investigate carelessly and insufficiently, and to decide with too much precipitation, the cases submitted to his adjudication. In some regular suits, the record of

Appeals under Regn. VII. of 1825.		Appeals under Regn. XXVI. of 1814.		Miscellaneous.	
Confirmed.	*Reversed.*	*Confirmed.*	*Reversed.*	*Confirmed.*	*Reversed.*
7	13	1	0	12	22

which was particularly examined by Mr. Speirs, he was of opinion, that "sufficient care was not taken in drawing out the interlocutory proceeding, stating the points at issue."

76. In the Sudder Ameen's Court, as there was a smaller amount of business instituted and less necessity for exertion, so according to all reasonable anticipation is the result of operations less considerable than in the year last reported on. Pundit Saligram, the circumstances of whose former occupation, and recent appointment to this charge were mentioned in the above cited paragraph of the Court's last Report, continued without intermission, other than that occasioned by the customary adjournments of the Civil Court, to preside in this tribunal, and brought to decision on trial 119 regular suits, and 448 miscellaneous cases by orders passed on the merits, leaving on the former file no more than 40 cases for future disposal, and having succeeded, as regards the latter, in reducing the amount of the depending arrear, as contrasted with that, which required a final order at the commencement of the period under review; stimulated to exertion by the occasional exhortations of the Court, communicated through the intervention of his immediate superior, this functionary displayed commendable activity in the execution of decrees, having disposed of 200 applications, either by complete or partial enforcement of the adjudicated claims, and left, out of a heavy file, comprising, when the year ended, 102 cases, only 4, of longer standing than a twelvemonth, unadjusted; in the proceedings, relating to one, illegality was detected as above noticed, but neither its protraction, nor the prolongation of the other three, was attributable to delay being permitted in their reviewal, or in the issue of necessary processes. If the mode, in which appealed causes, carried up from his Court terminated, is to be received as any index of the discrimination, applied to their original decision, no inferences favorable to the Pundit's diligence in acquiring a knowledge of the Law and the rules of practice introduced during the interval of his severance from the judicial department, or to his ability to form a judgment on the merits of a case submitted to his consideration, can be deduced, seeing that the appeals, instituted, bore a proportion of 53 per cent to the number of decisions passed, and that of 53 cases heard and determined by the Judge, reason was found for interfering with his final order in 28 or more than half: as regards the result* of miscellaneous appeals, too, which is very far from being creditable to his official capacity, Mr. Speirs remarks, that "in several cases appealed under Regulation XXVI. of 1814, it appeared that they had been dismissed, or refused to be heard on very insufficient grounds," indicating a fault, too frequently observed, until lately, in the native Judges, of seeking diligently for a flaw in order to evade the trouble or the responsibility of forming and recording a judicial decision on the merits. The Court have reason to think well of Pundit Saligram's natural ability and intelligence, and they trust, that time and the prolonged experience, which it will bring with it, may have the effect of improving his legal knowledge, and his qualifications for the discharge of the important duties committed to him.

REGN. VII. OF 1825.		REGN. XXVI. OF 1814.		MISCELLANEOUS.	
*Confirmed.	Reversed.	Confirmed.	Reversed.	Confirmed.	Reversed.
7	12	3	8	25	12

77. Of the five Moonsiffs, attached to this jurisdiction, one Moulvee Huseebooddeen, the Moonsiff of the 1st Division, died on the 29th August, the duties of his Court being performed vicariously by another functionary of the same denomination, who still retained charge of his own office, and another Hamid Hussun Khan, the Moonsiff of the 4th Division was compelled by serious illness, [professionally certified] to take leave of absence, which, commencing with the Dusserah vacation, was extended until the close of the period under report, and beyond it. From these unforeseen and unavoidable events it has resulted, that the whole strength of the constituted judicial agency of this grade was not in exercise for more than 6½ months, and had detriment to the administration been the consequence, there would have been occasion neither for surprise, nor for inculpation of any one; it is the more

gratifying, therefore, to remark, that the duties devolving upon these Officers have been discharged with creditable efficiency and dispatch, that, though the arrear on the regular file has slightly [49 cases] increased, no inconvenient accumulation has ensued, that in fact the decisions on trial have been more numerous, and that in the execution of Decrees, a department, hardly secondary in importance to the regular one, the commendable industry of the functionaries, employed, is established by the Statements of the past year, which shew an excess in the number carried out to completion over that accomplished in the antecedent annual period. In these Courts 1251 suits were decided on trial [more by 72 than in 1843] of which 305 were decreed exparte, and 438 on confession of judgment, and 2854 miscellaneous cases [1314 more than in 1843] were brought to a termination by orders passed on the merits; a result, which exhibits with sufficient precision the operation of Act VI. of 1843, and the adequacy of the agency provided to meet the demands upon its energies in the miscellaneous department; the above comprehends 700 decrees fully, and 227, partially enforced, the former, which is of course the most satisfactory issue being considerably superior to that exhibited in the returns for 1843, while at the same time the number of applications struck off on default was smaller, which latter is regarded as a favorable feature in the operations, connected with this branch of duty, by Mr. Speirs, who conceives that "many cases are struck off as much from the presiding Officer's not regularly looking over them as from other causes": it should be the Judge's endeavor to correct this propensity by occasionally subjecting the proceedings in such cases to a strict examination, and visiting any neglect of the nature, adverted to, with severe animadversion, in so far as his other important and onerous avocations may permit. The aggregate of regular decisions yields an average of 250 to each of the five Moonsiffs, of whom one only, Itrut Hossein of the 3rd Division was enabled, by the income of business in his Court, to attain to the prescribed minimum of 300, and the marginal* table will serve to shew the business dispatched in each Court, as well as the performances of each individual, the propriety of its insertion being suggested by the vacations of office, above noticed. A memorandum, compiled from the Appeal Statement, which is inserted in the margin,* shews the result of 234 appeals from the decisions of the Moonsiffs, to have been much the same as that, which was pronounced in the last Report to be unsatisfactory, but it is to be remarked on the present, as on that occasion, that the inferences, deducible from a comparison of the orders affirmed with those reversed or modified, must be qualified by reference to the fact of many appeals having been heard and determined by Khadim Hossein Khan the Principal Sudder Ameen, whose judgment cannot be highly estimated from the facts noticed in a preceding paragraph. The facilities, afforded for the institution of appeals by the proximity of the tribunals of first instance to the local appellate Court, will explain the large number, brought to obtain reversal of decisions, passed by the Moonsiffs of the 1st and 2nd Division, whose offices are located in the City, a circumstance, which, had the result of those adjudicated been more favorable, would have warranted no unfavorable opinion of their judicial ability; the paucity of Mahomed Shookroollah's decisions, which met with reversal, is no less creditable to him, than is the small proportion, brought to contest the decisions of Hamid Hussun Khan, in favor of his qualifications and merits.

Court of 1st Division, 264 of which decided	By Huseebooddeen, ..	183
	By Mahomud Mootuquee,	81
Ditto 2nd Division, 165 of which decided	By Mahomud Mootuquee,	165
Ditto 3rd Division, 308 of which decided	By Itrut Hossein, ...	308
Ditto 4th Division, 254 of which decided	By Hamid Hussun, ..	224
	By Mahomud Mootuquee,	34
Ditto 5th Division, 260 of which decided	By Shookroollah, ...	260
Total decided on Trial by Mahomud Mootuquee 280.		

	Tried.	*Confirmed.*	*Reversed.*	*Per Cent.*
* Huseebooddeen, ...	62	36	26	42
Mahomud Mootuquee,	71	34	37	52
Itrut Hossein, ...	48	28	20	41¾
Hamid Hussun, ...	28	16	12	43
Shookroollah, ...	25	22	3	12
	234	136	98	42 per cent nealy

78. The Revenue realized from the sale of Stamps filed in these Courts fell short of the expense, incurred in their maintenance by Rupees 920 : 12 : 1, as shewn in the margin;* the adjustment of their jurisdictions has been with the sanction of the Court postponed until the Magistrate shall have completed the arrangement of Police divisions, which the Commissioner has been requested, through the intervention of the Judge, to expedite. In regard to the Record Department it is only necessary to allude to the correspondence specified marginally,† in which the progress made in introducing order, as well as the outlay, applied for and sanctioned to enable the Judge to bring the work to a satisfactory completion, is mentioned; there is ground to expect, that before the submission of the next Annual Report all that is needful will have been accomplished.

* Name of Moonsifee.	Cost of Establishment including Moonsiffs' Salary.	Gross value of paper received in Court.	Refunds on account of Razeenamah.	Net value of Stamp paper.
Town or 1st Division,.....	1273 8 10	2127 0 0	219 8 0	1907 8 0
Colonelgunj or 2nd Division,	2280 0 0	880 8 0	120 0 0	760 8 0
Gujneer or 3rd Division,..	1680 0 0	2252 10 0	113 0 0	2139 10 0
Sheorajpore or 4th Division,	1574 13 3	1473 4 0	98 4 0	1375 0 0
Derapore or 5th Division,..	1680 0 0	1447 0 0	62 0 0	1385 0 0
	8488 6 1	8180 6 0	612 12 0	7567 10 0
	7567 10 0			
Net expense beyond that of Stamp papers used,..	920 12 1			

† My letter, No. 77, dated 10th January, 1845, and enclosures. Assistant Secretary's reply, No. 463, dated 3rd February.

79. In order to shew the extent, to which the Rules, prescribed by Circular Order of this Court, No. 208, dated 24th June, 1842, have been brought into practical operation, two letters from Mr. Speirs' dated 25th June, and 1st August, 1844, are appended to this Report, [C] as creditable testimony, given in favor of their utility and the advantages likely to ensue from their observance by one, who has bestowed more attention upon the subject, than the generality of Judicial Officers would seem to have done hitherto. Efficient aid is said to have been rendered by the revenue authorities during the past year, [paragraph 16] in carrying out the injunctions of the Courts relative to execution of decretal orders. Replying to the 14th paragraph of the Judge's report, the Court, while commending the plan introduced by him for the prevention of delay in refunding to the parties, entitled to receive it, the value of stamped paper, filed in cases adjusted or remanded, have observed, that such delay would seem to have been occasioned principally by an error of practice, on the part of the Judicial Authorities, in not delivering to the parties indicated the usual certificate, which would enable them to claim the refund from the Collector.

80. In 6 Special Appeals, brought before the Sudder Dewanny Adawlut during the past year, from the Judge's decision, one terminated in the affirmation, and another in the modification of his judgment, while 3 cases were sent back by remand, and one met with dismissal,—and in 3 Regular and 4 Special Appeals from the Principal Sudder Ameen's Court, the order of Khadim Hossein Khan was in 3 upheld, and in 1 modified, the remaining 3 having resulted in the cases being remanded for re-investigation and re-trial.

FUTTEHPORE.

81. A decrease in the income of Civil business, adverted to in the 81st paragraph of the last Annual Report, was succeeded during the past year, by a small addition

JUDGE.		
Headings, Nos.	1 to 14,.....	277
,,	,, 15 to 17,.....	3304
		3581

P. S. AMEEN.		
Headings, Nos.	1 to 14,.....	415
,,	,, 15 to 17,.....	870
		1285

to the number of suits instituted, which was larger by 111 than in the preceding year, to which, in conjunction with numerous mutations of incumbency in the Judicial Offices of all grades, and other interrupting causes to be subsequently noticed, a falling off in the aggregate of decisions on trial to the extent of 34, and an accession of 46 suits to the amount of depending arrear, as compared with the state of the general file at a corresponding period of 1843, may be reasonably attributed. When the period under report came to a close, 6 regular cases of older date than a year, according to the distribution given in the marginal note,* awaited decision, but an examination of the explanatory details leaves no room to question the diligence of the functionaries concerned, or the regularity of their proceedings, for all the suits depending in the Principal Sudder Ameen's Court were remanded for retrial, and restoration to their original number on the file within the last 6 months, and three of them within the last month of the year, while in regard to the fourth "no blame" is thought by the Judge to attach to the Court, in which it was awaiting determination; of the 2 appeals on the Judge's file, one was sent back by the Sudder Dewanny Adawlut for reinvestigation in December, and the decision of the other was retarded, primarily by frequent changes of incumbency in the office of Judge, and secondarily by the adjournment of the Civil Courts on account of the Dusserah vacation. In the Miscellaneous Department the arrear of longer standing than 12 months was inconsiderable, comprehending 3 applications for execution of Decree, of which 2 were before the Judge, and 1 before the Principal Sudder Ameen, the disposal of which was stayed pending the sale of property by the Revenue authorities, or the issue of final orders in regard to objections preferred in course of execution, and, though no cause was found for absolute dissatisfaction with the proceedings of the officers concerned, the Judge of this Court, by whom the periodical Statements were revised, expressed his inability to reconcile the existence of miscellaneous arrear, older than a twelvemonth, with the observance of proper practice, and the exertion of adequate activity and diligence on the part of the judicial authorities, attached to the Futtehpore District, where the regular business instituted is ordinarily so light, as to preclude the decision of the prescribed number of suits, and to leave ample leisure for the transaction of miscellaneous business. The insufficiency of attention given to this department has been frequently the subject of animadversion during the past year, and the injunctions of the Court have been so far effectual, that in the tribunals of the lowest grade, no cases appertaining to years, antecedent to 1844, remained undisposed of.

* Original Suits, Principal Sudder Ameen, 1 of 1838, 1 of 1839, 2 of 1843, = 4
Appeals, Judge. ..... 2 of 1843, ... = 2 } 6

82. The marginal† note shews particulars of the incumbency of this Judgeship during the past year, and represents such repeated interruptions, as must be considered sufficient, without reference to other considerations, to account for the apparently inadequate result of judicial and executive operations in this Court; the income, however, of Civil business was so inconsiderable, that the accumulation of arrear has not been such as to create apprehensions of future inconvenience to litigant parties, or of discredit to the administration, and there is, therefore, the less reason to regret the constant changes, which occurred, as well in 1844, as in the antecedent annual period. In the 167 days, nominally devoted to the Civil department, is included the period of 61 days, during which either the Assistant or the Principal Sudder Ameen was in

† Mr. W. H. Benson, Judge from 1st January to 31st May.
Mr. F. B. Pearson, Assistant in charge from 1st to 28th June.
Mr. W. H. Woodcock, Offg. Judge from 29th June to 13th Aug.
Mr. F. B. Pearson, Asst. in charge from 14th Aug. to 24th Sept.
* Mr. H. Lushington, Judge, from 25th Sept. to 31st December.

charge of the current duties, and no business, of a strictly judicial character, was transacted, a fact, which must be borne in mind in estimating the performances of Messrs. Benson, Woodcock and Lushington, who held sittings on the Civil side for 67, 14, and 25 days respectively, and brought to decision 92 Regular Appeals according to the distribution, exhibited in the subjoined memorandum, in which also is expressed the share taken by each in the investigation and decision of 247* miscellaneous cases under the first 14 Headings of Statement No. 2, and the enunciation of numerous orders respecting the matters classified under the remaining Headings of the same Statement. Had the tenure of Office been more continuous, it is certain that the arrear on the regular file would not have amounted to 104 cases, or more than double the number of those pending at the close of 1843, and it is probable, that the maintenance of a consistent and uniform system of supervision would have prevented the exhibition of that inattention to the duties of the Miscellaneous Department on the part of the uncovenanted Judges, which, more than once during the past year, attracted the observation and received the reprehension of the Court.

* Including Petitions for Review of Judgment, ... 7
Including Petitions for Summary Appeal,..... 13
Including Petitions for Appeal under Regn. VII. of 1825,..... 138
Including Petitions for Foreclosure and Redemption of Mortgage, 25
Including Applications for Execution of Decree,..... 10

* 57 days and part of 9 others were occupied in Criminal duties viz: by
Mr. Benson, ... 24
Mr. Woodcock, .. 15
Mr. Lushington, .. 18
57

Names of officers.	Number of Sittings.	Regular Decisions.	Miscellaneous. Headings 1 to 14.	Miscellaneous. Headings 15 to 17.	Execution of Decrees.
Mr. Benson, ...	67	59	113	1468	4
Mr. H. Lushington, ..	25	33	78	611	3
Mr. W. H. Woodcock. ..	14	0	50	711	3
Mr. Pearson and Principal Sudder Ameen in charge of current duties.	61	0	6	484	0
	*167	92	247	3274	

83. It appears only necessary to add, in regard to the operations of this Court, that the paucity of appeals instituted [157] during the year rendered the auxiliary agency of the Principal Sudder Ameen in their adjudication unnecessary, and that no recourse was had to the provisions of Regulation VI. of 1832, is ascribable to the difficulty and delay universally experienced in procuring the unremunerated assistance of Natives, and more particularly, in this District, to the restricted field for selection; "it is doubtful," too, observes Mr. Lushington, "whether those persons, who perform the duty satisfactorily on Criminal trials, are always competent to adjudicate in Civil suits." The arrear in the Miscellaneous Department was small, and the contingency, on which the disposal of two applications for execution of Decree, which had been depending on the file for more than a year, has been noticed in the preceding paragraph. Three cases, heard in Special Appeal by the Sudder Dewanny Adawlut from Mr. Benson's decisions, terminated in their being remanded.

84. Moulvee Mahomed Shukoor, the Principal Sudder Ameen of this District, who was permitted to secede from judicial office under the orders of Government, dated 10th June, 1844, as mentioned in the 83rd paragraph of the last report, was succeeded† on the 8th August by Moulvee Mahomed Yoosuff Hussun Khan, to whose solicitations for removal from Jounpore the Government were pleased to accede

† Vide my letter, No. 1142, dated 19th June, 1844. Your letter, No. 2528, dated 5th July, 1844.

in accordance with the Court's recommendation, which was suggested by the constantly recurring illness of that individual, and the incapacity for active service superinduced thereby. The performances of these officers jointly in the regular department comprise the decision on trial of 87 original suits, which could hardly have been exceeded, seeing that their aid was not required in the adjudication of appeals, and that, when the period under review terminated, no more than 22 cases were pending on the file of this Court: as to the degree, in which each participated in the disposal of this business, no information is afforded either by the tabular returns or the Judge's report, a defect, that does not apply to the Statement of miscellaneous work dispatched, which, besides 861 orders under the last 3 headings thereof, comprehended the decision, after investigation of the merits, of 328 cases under Headings 1 to 14, the share taken by the two Principal Sudder Ameens respectively being compendiously exhibited in the marginal memorandum, where also, for facility of reference, the number of applications for execution of Decree, struck off by each after full or partial enforcement, is likewise expressed. Neither of these officers was employed in the Criminal department. As Mahomed Shukoor has ceased to be subject to the supervision of the Court, it may be needless in this place to advert to occasions, on which his remissness was censured during the past year, or to express any other opinion of his judicial ability, than may be inferred from the fact of only 5 out of 18 decisions, revised by the Judge in appeal, having met with confirmation, a result, which is more unfavorable, than the records of any other District will be found to exhibit. Of Mahomed Yoosuf Hussun Khan's character and qualifications Mr. Lushington avows his inability to record any confident opinion, no appeals from his orders having come to a hearing during the period under notice, but there is the less reason to regret this, as the functionary in question has, by prolonged service in the judicial department, acquired an honorable reputation; there may be reason to apprehend, that his health, unless it improve greatly, will render him incapable of discharging the duties of any more laborious office, than that, to which he now stands appointed.

	Headings. 1 to 14	*Headings* 15 *to* 17	*Execution of Decrees.*
Moulvee Mahomed Shukoor,.....	217	456	82
Moulvee Mahomed Yoosuf Hussun Khan,	111	405	61
	328	861	143

85. The small establishment of 3 Moonsiffs appears quite adequate to the demand for this grade of judicial agency, to the proposed reduction of which allusion is made in the 85th paragraph of the Civil Report for 1843. With reference to a cursory remark on this subject, Mr. Lushington has been informed, that if he considers the establishment redundant, it behoves him to revive the question in a separate form, and to submit for the consideration of the Court such modified arrangement, as he may deem it advisable to substitute for that now in operation. Of the 726 regular suits decided on trial by these Officers, at an annual average of 242 to each, it appears that 145 were tried ex-parte, and 338 brought to decision on confession of judgment, leaving 243 adjudicated after full investigation of the merits: inconsiderable as this result apparently is, it is evident, on examination of the returns, that the limited income of Civil business, and not the want of diligence on the part of the Moonsiffs, has been the cause of it, for, when the year ended, no more than 138 suits remained for future disposal on the files of those tribunals, and all of these were instituted within the period under notice; the miscellaneous department affords more room for the exhibition of industry, which would seem to have been called into more active exercise by the repeated injunctions and admonitions of the Court, and is not unfavorably represented by the full enforcement of 461, and the partial settlement of 242 decrees, by the diminution of the arrear depending at the close, as compared with the commencement, of 1844, and by the disposal, after enquiry into the merits, of 318 other miscellaneous cases of various descriptions. Nund Lall, the Moonsiff of Futtehpore, as in former years,

dispatched the largest quantity of work, and the result of Appeals decided from his Court is in favorable contrast with the issue of Appeals from the Moonsiffs of Hutgaon and Jehanabad, as noted in the margin :* the retirement of Kadir Buksh during the past year, on a pension,† created a vacancy in the grade of Officers of that denomination, receiving the superior allowances, constituted by the orders of Government, dated 2nd October, 1837, and has afforded an opportunity for the advancement‡ of Nundloll to that distinction, which he has well merited by a creditable and efficient discharge of his judicial duties; his promotion, for which he was nominated in October last, it was thought advisable to postpone, until the Judge Mr. Lushington should be enabled to favor the Court with an opinion respecting the character and qualifications of this Officer, based on the results of his personal observation and experience.

	Tried.	*Confirmed.*	*Reversed or Modified*	*Proportion of Reversals.*
* Nundlall Moonsiff of Futtehpore,	34	24	10	29.2-5ths per cent.
Emadool Hussun Moonsiff of Jehanabad, ...	13	8	5	38½ per cent.
Kadir Buksh Moonsiff of Hutgaon,	27	13	14	51¾ per cent.
	74	45	29	39

† Vide paragraph 86 of Report for 1843.

‡ My letter, No. 648, dated 7th April, 1845. Your reply, No. 1672, dated 21st Idem.

86. As the want of industry and judgment, exhibited by Emadool Hussun, the Moonsiff of Jehanabad, is prominently adverted to in the Court's report for 1843, and as imputations, thrown out against the integrity of his conduct, are therein mentioned, it seems to be incumbent on the Court to give equal publicity to the fact, that the latter were found to be without foundation, and that the investigation failed to elicit any thing reflecting upon the Moonsiff's character for honesty and respectability, while, as regards the former, Mr. Lushington deprecates the extreme measure alluded to, of his displacement, hoping "that the severe lesson he has received will induce on his part a more energetic application to business, and a more cautious attention to the rules, laid down for his official guidance." The Court, though fully participating in this hope, are hardly prepared to indulge the expectation of its realization, having found occasion to take serious exception to the explanation, submitted by him in vindication of his conduct, agreeably to the requisition referred to in the 86th paragraph of the last Annual Report; a careful and laborious examination of these explanatory details has served to satisfy the Court, that their imputations of dilatory and inattentive procedure, and unacquaintance with the provisions of law, and other authoritative instructions were not unfounded, and that, unless improvement in every respect be shortly apparent, his removal from judicial employment will be inevitable. According, however, to the Judge's recommendation the Court have thought proper for the present to forego their expressed intention, satisfying themselves with pointing out, for the future guidance of Emadool Hussun, the various needless delays, and irregularities, detected in the proceedings, which form the subject of the above explanatory details, and impressing upon him the necessity of their careful avoidance, if he desire to escape official degradation. Mr. Lushington has engaged to "pay particular attention to his proceedings," and the Court would fain hope that, under his tuition and control, Emadool Hussun may eventually acquire a better judicial reputation, than he can now be admitted to possess. In regard to the tribunals of the lowest grade in this District, it is only necessary to add, that the Civil Jurisdictions have undergone revision agreeably to the principle set forth in the Resolution of Government, dated 30th October, 1837, and that the arrangements effected have been sanctioned by the Court and approved§ by Government. A Statement shewing the cost of these establishments, and the degree in which

§ Vide my letter, No. 2186, dated 27th December, 1844. Your reply, No. 366, dated 27th January, 1845.

	Cost.	Stamps Realizing.
* Moonsifee Futtehpore, ...	1680	1559 4
„ Jehanabad, ...	1680	1166 0
„ Hutgaon, ...	2280	1741 2
Rs.	5640	4466 6

it is counterbalanced by the revenue realized from the sale of Stamps filed, is given in the margin,* and exhibits an excess of outlay, amounting to Rupees 1173: 10.

87. The remarks contained in the 12th and 13th paragraphs of the Judge's report on the subject of collusive litigation, and the sale of unregistered "Huq-o-Moorafiq" may be thought worthy of attention, but there seems to be no necessity for an expression of the Court's sentiments in this place; the extensive prevalence of the former has been already brought prominently to the notice of Government, and such measures proposed for the mitigation of the evil, as the deliberation and experience of the Court suggested, and, as they have not been heretofore favored with an intimation of the result, which has attended their reference, the question, it may be presumed, is still under the consideration of those, with whom the provision of an efficacious remedy rests. As regards the practice of exposing unrecorded "Huq-o-Moorafiq" to sale in satisfaction of Decrees of the Courts of Justice, the definitive opinion of the Court will be subsequently expressed, as soon as the correspondence specified marginally† shall have been brought to a termination; in the meantime no other remark in connection with the 13th paragraph of the Judge's Report seems to be called for than that the views, entertained by the Court, do not imply the unqualified condemnation of the practice which the tenor of Mr. Lushington's observations would lead one to suppose; it certainly operates as a check on collusive litigation, and so long as the requirements of Law, and the instructions, contained in Circular Order, Sudder Dewanny Adawlut, No. 205, dated 10th June, 1842, are duly fulfilled, there appears little reason to apprehend injury to the property or possession of any one from its prevalence. The disordered condition of the records of this Judgeship, adverted to in the 16th, and three following paragraphs of the Judge's Report, and the impossibity of improving it, or of enforcing the Judge's responsibility on this account, until adequate and appropriate accommodation for their reception be provided by Government, having been reported for consideration and orders in my separate letter, No. 649, dated 7th April last, need no detailed notice in this Report: the Court earnestly hope, that the suggestion for the erection of a separate Recordroom‡ may be adopted, seeing that the present buildings, composing the Judge's Office at Futtehpore, have been pronounced§ to be so deficient in space, and ill-constructed, and at the same time so dilapidated, as "not to be worth the very extensive repairs" they were thought to require.

† Your letter, No. 4269, dated 27th September, 1844.
My reply, No. 1792, dated 10th October, 1844.
Your letter, No. 4875, dated 31st October, 1844.

‡ NOTE.—Since these remarks were written, the Government have, in their letter, No. 1834, dated 2nd May, 1845, intimated their intention of constructing a new Court House, in preference to a separate Record room, and the necessary communication has been made on the subject to the Judge of Futtehpore, who, in reply, has expressed an opinion, adverse to the undertaking, founded on the progressive decrease of Civil business, and the *possibility* of the abolition of the Futtehpoor Judgeship becoming expedient and practicable.

§ Vide my Predecessor's letter, No. 2,125, dated 17th December, 1841, the correspondence therewith transmitted.

BUNDELKUND.

88. The state of Civil business in this District, as represented in the Returns and the Judge's Report, is not otherwise than satisfactory, and on comparison with the quantity and condition of the arrear, depending at the close of 1843, which was pronounced by the Court objectionable, the improvement effected during the period

JUDGE.	
Headings, Nos. 1 to 14,..	355
„ „ 15 to 17,..	2209
	2564

P. S. AMEEN.	
Headings, Nos. 1 to 14,..	370
„ „ 15 to 17,..	538
	908

under review by the exertions of the judicial agency employed, will be fully apparent. At the period mentioned, 12 regular suits, and 69 miscellaneous cases of various kinds, instituted on dates anterior to its commencement, awaited determination in the several tribunals of this District, whereas, when 1844 ended, one appeal, remanded by the Sudder Dewanny Adawlut to the Judge's Court, composed the whole arrear of this description, the miscellaneous files being quite free from such encumbrances. It is expected, that, in this respect, no retrogression will be permitted, for the income of Civil business in this District is inconsiderable, the strength of the judicial establishment is fully adequate to the demands made thereby on its energies, and there is no good reason, why any regular suit or miscellaneous case [remands and other unforeseen and unavoidable contingencies being excepted] should remain undecided after the lapse of twelve months from the date of its institution. During the expired year there was a falling off in the number of suits brought on the file to the extent of 156, and a corresponding decrease of 160 in the number before the Courts, notwithstanding which, the disposals were fewer only by 37, and the general file at the same time was lighter by 123 cases, at the close of 1844, than at a similar period of the preceding year; the result likewise of operations in the miscellaneous branch of work, to which the attention of the subordinate Judges has been frequently directed during the year under notice, is favorably represented by the Statements, which exhibit a large reduction of arrear, and afford no other ground of exception, than the large proportion, borne by Decrees fully or partially executed, to the applications struck off on default in the inferior Courts: the Judge of this Court, by whom the periodical returns of business were revised, saw reason to apprehend, that existing orders in this respect were either misunderstood, or perverted in their application by the Native Judges for the purpose of abridging their own labor, and keeping the files within proper limits, and deemed it proper to point out, with reference to particular instances of apparent error, that the Circular Order of October, 1843, as well as other antecedent instructions, had for its object the prevention of needless delays in the important department under notice, and was not designed as an instrument whereby to confer immunity on a judgment debtor at the expense, and to the manifest detriment, of his creditor. The Court entertain a hope that the effect of their instructional and admonitory comments on this point may be seen in the operations of the ensuing year.

89. In the Judge's Court, administered by Mr. J. Lean and Mr. G. Lindsay, for the periods marginally* indicated, 150 appeals were brought to decision on the merits, and 196 orders were passed, after investigation on the miscellaneous cases and petitions, referrible to Headings, Nos. 1 to 14 of Statement No. 2, comprising, among others, 27 applications for review of judgment, 17 Petitions for special appeal,† 42 petitions for summary appeal, and 38 applications for redemption and foreclosure of mortgage, all which ordinarily require time and deliberation in their disposal. These duties occupied 143 days, and if, as must be admitted, the result appear inadequate, it must on the other hand be borne in mind that, when the year closed, no more than 15 regular, and 45‡ miscellaneous cases remained for future disposal, thus leading to the conclusion, that a larger quantity of work would have been dispatched, had such been permitted by the income of Civil business, which indeed is so light in this jurisdiction, that the rules, fixing the numerical standard of decisions to be observed in the several grades become to its operations, as regards all the Courts, in a great degree inapplicable. The individual performances of the

* Mr. Lean Offg. Judge, from 1st January, to 31st January.
Mr. G. Lindsay, Judge, from 1st February, to end of year.

† Brought on the file before promulgation of Act III. of 1843.

‡ Under Headings, 1 to 14 3
Under Headings, 15 to 17 42

two officers, who presided in the Judge's Court, are denoted in the marginal* table, and call for no other remark than that already recorded. Sessions and Criminal duties occupied 101 days [8 more than 1843] and Mr. Lindsay was engaged for 3 days in his capacity of Special Commissioner for the decision of appeals under Regulation III. of 1828. In reviewing the periodical Statements great delay was observed in the transmission from the Judge's office of records, appertaining to suits remanded in appeal, and being pronounced objectionable as tending inevitably to prolong the dependence of the cases in the Lower Courts, was pointed out to the Judge for immediate correction. Regulation VI. of 1832 was not brought into operation in this District, no cause being assigned by Mr. Lindsay for his failure to avail himself of its provisions.

	Number of Sittings.	*Regular Cases.*	Miscellaneous Cases. *Headings, 1 to 14.*	*Headings, 15 to 17.*
* Mr. J. Lean,.....	31	8	7	176
Mr. G. Lindsay, ..	112	162	348	2033

90. The performances of Mooftee Ghoolam Mahomed, the Principal Sudder Ameen, in the regular department, comprehending the decision on trial of 166 suits, of which 61 were original, and 105 appeals, could not have been exceeded, with reference to the state of his file, on which only 34 cases were pending when the year closed, while, as regards the miscellaneous branch of work, there is every reason to be satisfied with the result of his exertions: under Headings 1, 6, 10, 11, 12 and 13 of Statement No. 2, 166† miscellaneous cases were decided by orders on the merits, 121 applications for execution of Decree, struck off after full or partial enforcement of the demand, being therein included, and little unsusceptible of early disposal remained on the files, when the period under review came to a termination. This officer likewise gave his assistance as Law Officer on Session trials, and, further, aided the Magistrate by the disposal of 93 criminal cases, besides a few other miscellaneous matters appertaining to the same department: his employment in Magisterial duty to an extent prejudicial to his efficiency in the Civil department, which has been always held by the Court open to insuperable objection, would seem to have been promptly checked by the notice taken of this subject in the 63rd paragraph of the Report for 1842, for his occupation in this manner during the past year, as may be gathered from the foregoing epitome of the Civil Statements, has not withdrawn his attention from his more important and legitimate avocations, and has not "induced a postponement of his proper work to that foreign duty." The Judge in pronouncing the result of the year's labors "creditable" to the Principal Sudder Ameen, corroborates by his testimony the favorable opinion, expressed by his Predecessors, of the Principal Sudder Ameen's habits of industrious application and integrity of character, but there seems sufficient ground to question the judicial merit of his decisions, seeing, that his judgment was reversed in 5 out of 8 cases, heard by the Judge in special appeal, and that a similar fate befel 23 out of 65 orders, which were carried up to the Judge's Court in regular appeal, and disposed of before the close of the period under review: the latter result yields the same proportion of confirmations, as that observed in the Report for 1843, viz., 64⅜ per cent, and is less favorable, than might have been anticipated, considering the prolonged experience in judicial duty of Mooftee Ghoolam Mahomed, and the ample time for due deliberation, afforded him by the paucity of cases, requiring adjudication at his hands. It may be as well to mention, that the Special Appeals, brought to decision by Mr. Lindsay, were instituted prior to the promulgation of Act III. of 1843, which restricts authority to hear such cases to the Sudder Dewanny Adawlut.

† 538 orders were passed under the remaining headings of the same Statement.

91. One Special Appeal from the Judge's Court was disposed of by the Sudder Dewanny Adawlut, by the reversal of his judgment, while of 6 Appeals [4 regular and 3 special] from the Principal Sudder Ameen's order, 2 terminated in its confirmation, and 4 cases were remanded for further investigation.

92. The three Moonsiffs, who compose the inferior judicial agency of this district, passed decisions after trial in 688 cases, at an average annual rate of 229 to each Officer, the non-attainment of a higher numerical standard being satisfactorily accounted for by the paucity of institutions, and the limitation of the aggregate arrear at the close of the year to 110 cases, all of which were brought on the file within that period: of the cases, determined as above, 162 were tried ex-parte, and in 188 judgment was confessed, the two items jointly constituting more than half of the whole number decided: without objecting either to the one mode of adjudication or the other, the Court think it desirable that, wherever the proportion is high, the Judge should keep his attention directed to the subject, and satisfy himself by personally examining the records of a few cases, taken at random, that in the one case all the precautions, justly prescribed by Law to ensure information being given to the party sued, are strictly observed, and that in the other there is no reason to suspect encouragement on the part of the Moonsiffs to the institution of fictitious suits with a view to prevent a reduction of the judicial establishments, and they are surprised that Mr. Lindsay should not have endeavored to explain the circumstance alluded to, after the expectation implied by the tenor of the 91st paragraph of the Court's Report for 1843. As in the regular, so in the miscellaneous department, Luchmun Pershad, the Moonsiff of Banda, was the most industrious, having himself carried out to full or partial execution 119 out of 271 applications, struck off by all three officers collectively under the two conditions stated, but it is not intended hereby to impugn the diligence of the Jelalpore and Teroha Moonsiffs [albeit they were occasionally found to require to be stimulated to diligence in that branch of work] who, in enforcing respectively 74 and 44 decretal orders, left but few cases for future disposal, aud fulfilled all, that was demanded from them by the state of business in their Courts. The judgment of these Officers is indifferently represented by the termination of 180 Appeals from their decisions, which, as shewn by the marginal table, were confirmed in the proportion of 57¼ per cent only, a result, however, to which the unfavorable termination of Appeals from the Teroha and Julalpore Courts have chiefly contributed, inasmuch as the reversals in the case of the Banda Moonsiff do not exceed the proportion, ordinarily observable in other districts; to this Officer the superiority in point of ability is assigned by the Judge, who pronounces him deserving the character, which he has received from his former superiors, and declares, that he is careful in the investigation of his cases, and brings to their decision a competent knowledge of the Regulations. Neeamut Ashruff is superannuated, and about to retire from public service on a pension.

	Tried.	*Confirmed.*	*Reversed.*	*Per centage of Reversals.*
Luchmun Pershad, Moonsiff of Banda,..	74	51	23	31
Mashook Alee, Moonsiff of Teroha,.. ..	51	21	30	59 nearly.
Neeamut Ashruff, Moonsiff of Julalpoor,	55	31	24	43·3-5ths.
	180	103	77	57¼
By Judge,.....	75	38	37	
By Principal Sudder Ameen,.....	105	65	40	

93. The following statement exhibits the costs of the inferior judicial establishment of this district, as compared with the amount realized by the sale of stamped paper, filed in these Courts, and is so far unsatisfactory, that the former exceeds the latter by rupees 750: 4: 0.

Moonsifee.	*Cost.*	*Stamped Revenue realized.*
Banda,.....	2,280	1,669 14 0
Teroha, ...	1,680	1,289 14 0
Julalpore,.....	1,680	1,930 0 0
Rupees,..	5,640	4,889 12 0

It only remains to add, in reference to the lower Courts, that the revision of jurisdictions is in abeyance, pending the determination of boundaries and fiscal divisions in the Humeerpore district.

94. A proposal, made by Mr. Lindsay during the past year, for the appointment of a Mohurrir on a salary of rupees 10 per mensem, for the express purpose of punching stamps, deposited with the records of the Banda Judgeship, agreeably to Circular Order, Sudder Dewanny Adawlut, No. 981, dated 23rd May, 1843, was negatived by the Court, who, adverting to the gradual fulfilment of those instructions throughout the North Western Provinces by the unassisted agency of the ministerial establishments, observed, that the alleged "impossibility" of the precautional measures being carried out without additional aid could not be recognized, and that under any circumstances the delegation of so important and responsible a duty to so irresponsible an agent, as a temporary Mohurrir on Rupees 10 per mensem, would be liable to the most serious objections. The correspondence, noted in the margin,* regarding the claims preferred by certain relations and dependents of the Newab of Banda to exemption from the ordinary jurisdiction of the British Courts, is of too recent occurrence to need recapitulation of its purport; it is hoped, that the rule established by the orders of Government, may, without interfering in an inconvenient degree with the judicial operations of the Courts, put a stop to future differences on the subject. It may not be unprofitable to allude in this place to a question, which formed the subject of correspondence with the Sudder Dewanny Adawlut, relative to the mode, in which "notice" should be served on Defendants, resident in Foreign Territory, under the provisions of Regulation XIV. of 1829, although the Calcutta Court deemed the delivery of an extra judicial opinion, constructive of that Law, inexpedient with reference to the probability of a necessity arising for a judicial declaration on the question: it being one, however, which must frequently arise in the Banda and other Districts bordering on foreign or independent Territory, the Court considered it unobjectionable to assist Mr. Lindsay's judgment by the communication of their own opinion [as expressed in my letter, No. 2149, dated 18th December, appended [D] to this Report,] warning him, that it should not be regarded as an authoritative construction of the Law, or binding him to any particular course of proceeding in cases, wherein the point might arise, but that it should be received, as it was delivered, quantum valeat.

* My letter, No. 477, dated 6th March, 1845.
Your reply, No. 1404, dated 7th April, 1845.
My letter, No. 703, dated 14th April, 1845.

95. The record department is in efficient condition, and requires here no particular notice, having been examined and reported on little more than a year ago by Mr. B. Tayler, Judge of this Court, in 16th and 18th paragraphs of an official note appended [F] to the Civil Report for 1843.

ALLAHABAD.

96. In this District, administered throughout the year by Mr. Lang with the energy and ability, which have uniformly characterized his operations, both in the transaction of business in his own Court and in the supervision of the inferior tribunals, the number of cases before the Courts was smaller by 346 than in the preceding annual period, those instituted having been fewer also by 83, facts, which account sufficiently, without seeking for other reasons, for a falling off in the number of decisions on trial to the extent of 181, and justify an expectation, which has not been disappointed, of a reduction in the amount of depending arrear, and an improvement in its character and condition. Of the success, however, with which Mr. Lang's exertions have been attended,

JUDGE.		
Headings, Nos.	1 to 14,..	340
„ „	15 to 17,..	4611
		4951

P. S. AMEEN.		
Headings, Nos.	1 to 14,..	638
„ „	15 to 17,..	77
		715

a better judgment may be formed by reference to the subjoined Table, which is appended to the 2nd paragraph of the Judge's report, and which represents compendiously the progressive decrease, effected in the number of causes, remaining undecided at the close of each year, and, in the gradual disappearance of long-standing cases, bears satisfactory testimony to the greater expedition, with which Civil business is now disposed of, and the greater efficiency, it may be thence inferred, of the several judicial tribunals of this District.

Pending at the end of	*Regular Cases.*	*Applications for execution of Decree.*	*Cases of longer standing than one year.*	
1840	1017	1084	221	
1841	893	945	80	
1842	861	783	47	
1843	598	827	9	
1844	520	661	2	both of which

were original suits remanded to the Principal Sudder Ameen's Court, the one on the 9th April, and the other on the 30th September, 1844, and in neither do the proceedings, in Mr. Lang's judgment, warrant the imputation of remissness or irregularity to that functionary, while, as regards the latter, it is to be observed that the record did not reach its destination until after the adjournment of the Civil Courts on account of the Dusserah vacation had commenced. Of the miscellaneous department, generally, it is deemed sufficient to observe, that no cases, of date earlier than the year under report, awaited decision, and that little, admitting of disposal, was left pending.

97. Mr. Lang, as stated above, presided in the Judge's Court throughout the year, and determined on trial 336 regular suits, of which 2 only were original, and the rest appeals from the judgment of the officers subordinate to him, leaving on the regular file no more than 29 cases for future decision, and observing in regard to this branch of business, that, had more come before him, "the number of his decisions would have been correspondingly increased;" his performances in the miscellaneous branch of work comprised the investigation and determination of 195* cases under the first 14 Headings of Statement No. 2, and many more [4610] under the less important Headings, and when the year came to a termination, only 9 cases referrible to the former section of this Statement awaited a final order, the bulk of the remaining arrear, appearing under the latter section, being composed of cases regarding the property of persons dying intestate, which necessarily lay over until the expiry of a twelvemonth from the date of proclamation being issued regarding it. It may, therefore, be said, without any departure from strict truth, that nothing capable of disposal remained pending in the Judge's Court, when the period under review closed, a result, which is regarded as very creditable by the Court, with especial reference to the vigilance and activity, evinced by Lang, in the supervision of the general administration, and to his occupation for 56 days [more by 15 than in 1843] in Sessions and Criminal duties. Sittings were held on the Civil side for 180 days. Mr. Lang still continues, with commendable perseverance, to require, and employ the auxiliary agency, allowed by Regulation VI. of 1832, in the adjudication of all suits, the right decision of which is in his opinion likely to be facilitated by the aid and advice of natives, and disposed of 34 cases agreeably to the provisions of that Law, abiding by the verdict of the parties engaged in all but 2, and thereby vindicating his favorable estimate of the value of their services. An apparent misconception of the remarks, recorded in the 104th paragraph of the Civil Report for 1843, on the part of Mr. Lang, has been corrected by a further exposition thereof, and by pointing out to him, that those remarks had reference especially to the inutility of Punchayets in cases of

* Including Petitions for Summary Appeal, ... 29
Including Petitions for Appeal under Reg. VII. of 1825, 80
Including Petitions from Paupers, ... 18
Including Petitions for Redemption and Foreclosure of Mortgage, ... 21
Decrees fully enforced..... 3

appeal, "the determination of which rests on the construction and application of Law," and that, so far from being intended [if such were possible] to interdict or to discourage the employment of that agency, whenever the facts might be disputed in the Appellate Court, they expressly admitted, that assessors and jurymen of the classes, available in this country, might be competent judges of facts, as elicited in evidence, but could not be expected to discern, whether all the niceties of Law had been observed and attended to. Of 4 Special Appeals from this Court, which were heard and determined by the Sudder Dewanny Adawlut, 2 terminated in the confirmation of Mr. Lang's order, one in its reversal, and one in the case being remanded for reinvestigation and retrial on the merits.

98. Mohumud Ruzeeooddeen, the Principal Sudder Ameen of this District, continues to receive credit for the regularity of his attendance in office, and for respectability of character, as testified by the favorable estimation in which he is generally held, as well as for strict impartiality and independence in the discharge of his judicial functions, but the limited number of suits instituted in, and referred to his Court, and the ability of the Judge to dispense with his aid in the adjudication of appeals afforded little room for the exhibition of more than ordinary industry: it is not by this intended to imply, that this functionary is deficient in this necessary qualification, or that he has failed to exert it, but simply that circumstances beyond his control prevent the disposal of so large a quantity of work, as that which other officers of the same grade are enabled to accomplish. By the practical abolition, however, of the Sudder Ameen's office, and the transference to the superior Court of all suits legally falling within the competence of the former tribunal, [to which allusion is made in the 98th paragraph of the last annual Report] this insufficiency of business in the regular department has been apparently in some measure amended, and a corresponding measure of diligence on the Principal Sudder Ameen's part has not been wanting, as may be seen by a comparison of the following details with the result of his operations during the year 1843. The Principal Sudder Ameen's performances in the past year comprehend the decision on trial of 218 original suits, and in the miscellaneous department, the disposal after investigation of the merits of 517 cases under Headings 1 to 14 of Statement No. 2, in which are comprised 85 petitions of Appeal under Regulation VII. of 1825, 288 Decrees carried out to complete execution, and the decision of 128 cases of objections preferred in course of execution, which are not infrequently difficult in their nature. It is to be regretted, that the Judge is unable to report so favorably of the judgment, exhibited by Mahomed Ruzeeooddeen in his decisions, as of his other qualifications for judicial office, and this conclusion receives corroboration from the Appeal Statement, which shews that reason was found for interfering with his orders in 27 out of 64 appealed causes, adjudicated by the Judge, and that the number of Appeals instituted [70] within the year bears a very large proportion to the number of contested suits [150] disposed of in his Court within the same period; it is true that among the reversals, as many as nine depended on the decision of 2 Appeals, the ground of dispute being similar, but, with this qualification even, the result is such as to impress the Court with no very high opinion of the judicial merits of his judgments. Four regular Appeals were heard by the Court from this Officer's decisions, one of which only met with confirmation, the remaining three cases having been sent back by remand.

99. The performances of Syud Kuramut Alee, in his capacity of Sudder Ameen, were confined to the decision of 14 original suits, which were pending before him prior to the introduction of the revised arrangement, mentioned in the preceding paragraph, and the disposal of 330 applications for execution of Decrees, formerly passed by him as Sudder Ameen, by the complete enforcement of the demand in 229 cases, and its partial settlement in 101 besides other miscellaneous matters, therewith connected; his work, as Moonsiff of Kydgunje may be conveniently noticed in a succeeding paragraph, which will treat of the operations in the Moonsiffs' Courts during the past year, while, as regards his judicial ability

it may be unnecessary to express any opinion, seeing that since the commencement of the present year his demise has been reported to Government in my letter, No. 229, dated 4th February last, and the final abolition* of his office recommended. No less than 14 out of 19 of his decisions as Sudder Ameen, which were revised in Appeal, were found to be incorrect or faulty, and reversed.

* NOTE.—Since these remarks were written, further correspondence (a) has ensued upon the subject of the proposed abolition, which has been negatived by the Government; the successor appointed has been attached to the Allygurh District, where the pressure of business is such as to call for auxiliary agency, and the arrangement described in the 98th paragraph of the Civil Report for 1843, maintained without alteration in this Zillah.

(a) Your letter, No. 1503, dated 11th April, 1845.
My reply, No. 802, dated 30th Idem.
Your letter, No. 2173, dated 23rd Ultimo.
My reply, No. 998, dated 4th Instant.

100. The decisions of the 4 Moonsiffs, numerically large in amount, 1673, and yielding an average of 418 to each officer, comprise a very considerable proportion of cases, brought to judgment exparte [431] or on Ikbal Dawa [438], being in the proportion of nearly 52 per cent to the whole number, but this result cannot be found fault with so long as there is no reason to believe, that the provisions of Law in this respect are applied to sinister purposes: in the present instance, the Court have no ground whatever for such a presumption, but are satisfied, on the contrary, that, had such a perversion of judicial authority been apparent in the proceedings of the Moonsiffs, it would have attracted Mr. Lang's attention, and received animadversive notice at his hands: in its absence it may be fair to conclude, that the causes alluded to in the 100th paragraph of the last Report, as explanatory of this circumstance, have been in operation during the past year likewise. In addition to the regular business above noted, 1699 miscellaneous cases of all descriptions, inclusive of the large number of 951 Decrees completely enforced, and 326 others partially executed, were disposed of by orders on the merits, and no arrears, of longer standing than a twelvemonth, either in this or the regular department, awaited determination when the year closed. If these results be considered satisfactory, and creditable to the industry of the Moonsiffs collectively, the exertion of Syud Abdoollah, of the City, will be deemed worthy of special commendation, that Officer having in his own Court tried and decided 524 regular cases, and carried into execution, either full or partial, 516 decretal orders, or more than 2-5ths of all the applications disposed of under those two conditions; this Officer has maintained, during the past year, the very high character, ascribed to him by his immediate superior, for industry and judgment, and has received the reward of his services in being selected for promotion to the higher† grade, in preference to other Officers of longer standing, and in the distinction, which that selection implies; the fact, that the vacancy to which he was advanced, occurred in another District, and that Syud Abdoollah's merits were held to entitle him to preferential promotion, give specialty to the distinction, which has been conferred upon him in compliance with the Court's recommendation. The marginal‡ extract from the Appeal Statement, while it exhibits a rather large proportion of reversals, and thus perhaps warrants deductions unfavorable to the discrimination and judgment of the Moonsiffs generally, must, on the other hand, be admitted, in the comparative paucity of Appeals, instituted to obtain reversal of decisions passed

† Vide my letter, No. 1456, dated 23rd August, 1844.
Your reply, No. 3962, dated 7th September, 1844.

‡

	Instituted.	*Tried.*	*Confirmed.*	*Reversed or Modified.*
Syud Abdoollah, Moonsiff of the City, ...	65	59	40	19
Kuramut Alee, Moonsiff of Kydgunge, ...	85	70	34	36
Kanjee Suhae, Moonsiff of Munjunpoor, ...	48	48	28	20
Lalla Juggernath, Moonsiff of Phoolpoor, ...	76	74	46	28
	274	251	148	103 (a)

(a) Proportion of Reversals 41 per Cent.

by Syud Abdoollah and Kaujee Suhae, to afford evidence of the satisfaction generally given to litigant parties by those Officers; it is true, that the orders of Syud Abdoollah were interfered with in the proportion of 32·1-5th per cent on the whole number tried, and that a similar calculation yields a per centage of 41⅔ in the case of Kaujee Suhae, but it should be remembered, at the same time, that, while these Officers respectively decided 259 and 209 contested suits, only 65 Appeals were instituted within the year from the one, and 48 from the other Court, and that the proportion, borne by orders interfered with to those, the propriety of which was either uncontested, or in Appeal admitted, is remarkably small. Lallah Juggernath has been recently removed at his own request to the Moonsiffee of Suhawur in the jurisdiction of the Mynpooree Court, and, as Mr. Lang expresses doubts both of his character and his judicial ability, an extract from his report has been, for precaution's sake, forwarded to the Judge of that District with an injunction to maintain a vigilant supervision over his official proceedings and general conduct: a similar precaution also has been observed in regard to Heyt Lall, late Moonsiff of Mahomedabad Gohna in Azimgurh, who has been appointed to succeed Lallah Juggernath for reasons, which will be mentioned in a succeeding part of this Report, and will serve to shew the motive of the Court in making Mr. Lang acquainted with the circumstances, which led to his transference.

101. A Statement exhibiting the expense incurred by Government during the past year in the maintenance of the Moonsiffs' Courts, and the amount realized by the Sale of Stamps filed therein, is entered in the margin.*

	Cost.	Stamp Revenue realized.
* Moonsiff, City Allahabad,.....	1870	2223 2
Moonsiff, City Kydgunje,.....	1680	1521 12
Moonsiff, City Munjunpoor,.....	2280	2313 12
Moonsiff, City Phoolpore,.....	1680	1662 8
	7510	7721 2

102. With reference to the 13th paragraph of his Report, which adverts to the incapacity of the Government Pleader in his Court, Mr. Lang has been informed, that the correction of that evil rests with the Government, and not with the Court, who possess no legal or delegated right to interfere in such a matter. Of the disqualifications of the Government Vakeel for further effective duty, whether that disqualification proceed from superannuation or ignorance, Mr. Lang, as presiding in the Court in which he is employed, must be considered the proper Judge, and if in his judgment the Officer in question be decidedly unfit for active service, it behoves him to exercise his discretion in depriving the Government Pleader of the privilege of practising in his Court as a Vakeel, when, the vacancy described in Section 4, Regulation XIII. of 1829 having occurred, it would become the Judge to proceed, as laid down in that enactment. The Court have further remarked, that, if the Government Pleader be, as asserted by Mr. Lang, "totally ignorant of the Laws of Government, and the orders of the Court," he might be, not improperly, declared disqualified to practise as a Vakeel in the Judge's Court, but that as long as he continues to be one of the constituted Pleaders thereof, it must be left entirely to the option of Government to employ him as their authorized representative, or not. Other matters of general interest and importance, alluded to by Mr. Lang, have already on various occasions formed the subject of special reference to Government, but hitherto the representations of the Court have not been attended with the desired effect; the inadequacy of the allowances received by the Moonsiffs for the maintenance of their ministerial establishments, and the expediency of modifying the Law, which prohibits the entertainment of Nazirs, are no less universally acknowledged, than the consequent prevalence of irregular practices is certain, and it was an intimate conviction of the ultimate necessity of applying a remedy to these evils, that induced the Court to press these several matters on the consideration of Government, in the communication† specified marginally, and to direct attention to them again in various parts of their last Annual Report: if the numerical inefficiency of the ministerial establishments be found

† My letter, No. 831, dated 4th May, 1844.

detrimental to the respectability of the Moonsiffs' Courts, and the transaction of business in Allahabad, it requires no argument to shew that the grievance must be universal, and the necessity of an augmentation equally urgent in all the Districts of these Provinces; the Court desire again to represent, that the denial of more effective establishments to the Moonsiffs' Courts, and the continued currency of Clause 4, Section 5, Regulation VII. of 1832, amount in fact to a tacit recognition and allowance of those irregular practices, to which these functionaries are compelled to resort, if they desire to fulfil their judicial and executive duties with the despatch and the effect, which are expected.

103. I am desired, with reference to the 15th paragraph of Mr. Lang's report, to express the concurrence of the Court in his argument about the present legal prohibition of the admission, in Moonsiffs' Courts, of Supplemental pleadings, and, in referring to my letter, No. 656, dated 7th April last, to reiterate their wish for the assimilation of the rules for the guidance of Sudder Ameens and Moonsiffs with those prescribed for the Judges' Courts, and the consequent substitution of an uniform code of procedure, to be observed by all the local tribunals for the present diversity of practice; many considerations appear to suggest the expediency of this arrangement, not the least cogent of which is the importance of fixing and maintaining an uniform rule of procedure in the several gradations of judicial service, through all of which, beginning at the lowest grade, functionaries are, under the present judicious system, ordinarily obliged to pass in the course of their judicial career, and no objections present themselves of sufficient moment to overbalance the weight of this obvious advantage; such an assimilation of the rule of procedure as that contemplated would of course comprehend the subject of supplemental pleadings, and supersede the necessity of a special enactment, authorizing their admission in the Courts of the Moonsiffs. The records of this Judgeship are reported by Mr. Lang to be in unexceptionable order.

NOTE 1.—Since these remarks were written, the Government, although concurring in the Court's opinion, have thought it advisable to postpone the consideration of the question, until an opportunity for advantageously reviving it may offer—Vide your letter, No. 1759, dated 25th April, 1845.

Note 2.—More recently the appearance of a Draft Act for the appointment of Nazirs has been thought a fitting opportunity for repeating the above proposal—Vide my letter, No. 977, dated 2nd Instant.

GORUCKPORE.

104. Notwithstanding numerous changes of incumbency in several of the tribunals of this District, and the reduced strength of the Judicial agency employed, as will be explained in succeeding paragraphs, the operations of the past year have been eminently successful in their result, and credit is due, not less to the zealous exertions of the subordinate officers, than to the care and vigilance, evinced by Mr. H. Pidcock in the general superintendence of the administration. Though removed before the close of the year under report to another department of the public service at a time, when the effects of his supervision were becoming manifest, he has recorded a copious minute, [which is submitted in original with his successor's report] containing an epitome of the work performed by himself and his several subordinates, and an expression of his opinion in regard to the official merits and qualifications of the latter, which, as coming from an officer, equally remarkable for ability and judicial experience, must be allowed to carry with it much weight, and to deserve attention. In the several Courts of this District, the Civil business of which has never been inconsiderable, 208 more suits were instituted during the past year, than in that, which preceded it, and though the number of cases before the Courts was smaller by 27 owing to the general file having been lighter by 235 at the end of 1843, than at the beginning, the decisions on trial were more numerous by 355, and the depending

JUDGE.	
Headings, Nos. 1 to 14,..	1028
,, ,, 15 to 17,..	4084
	5112

2 P. S. AMEENS.	
Headings, Nos. 1 to 14, ..	543
,, ,, 15 to 17, ..	252
	795

arrear at the close of the period under report less by 429 cases than at a corresponding period of the antecedent year. It is further to be remarked, as evidencing the systematic diligence of the functionaries concerned, and the regularity of their procedure, that of the 1345 regular suits, which composed the aggregate arrear in that department, no more than 6* had been on the files for more than a year, and of these, with the exception of the Appeal in the Judge's Court, which was decided on the 6th January, 1845, and the suit before the Belwa Moonsiff, all had been remanded for retrial, the majority within the month of December, so, that their dependence affords no ground for unfavorable imputations against the character and proceedings of those, to whose Courts they appertained: when it is added, that the delay in the determination of the case, pending in the Belwa Moonsifee, is ascribable to its repeated transference from one jurisdiction to another, which it became necessary to make, and that in the miscellaneous department of work, one application for execution of Decree before the Principal Sudder Ameen Moulvee Ghoolam Mahomed Moostufa, and one case under Heading 15 of Statement No. 2, before the Judge, composed the whole arrear of longer standing than 12 months, it will be admitted, that the commendation, bestowed on Mr. Pidcock and his coadjutors in the Civil administration, is not undeserved.

* Mohumud Moostuffa Principal Sudder Ameen, 1 of 1841.
Sudder Ameen ,.. .. .. 1 of 1843.
Moonsiff Captaingunje, ... 1 of 1843.
Ditto Bansgaon,.. .. .. 1 of 1842.
Ditto Belwa Mehwadeeh, ... 1 of 1843.
Judge Appeal, ... 1 of 1843.

105. The personal assiduity of Mr. Pidcock, who continued to preside in the Judge's Court until the 14th November, is sufficiently testified by the trial and decision of 252† regular suits, exclusively appeals, and the determination after investigation of the merits, of 928 miscellaneous cases, including among others, 68 Petitions for review of judgment, 66 Petitions for summary, and 195 Petitions of miscellaneous and interlocutory Appeals, besides 443 applications for redemption and foreclosure of mortgage, and the enunciation of numerous‡ orders under the 3 last Headings of Statement No. 2: a judicious use at the same time has been made of the services of the two Principal Sudder Ameens in the trial and determination of appeals, and the satisfactory result of this distribution of labor is apparent in the comparative insignificance of the arrear, which awaited disposal at the close of the period under review. Connected with the miscellaneous branch of business are one or two points, which the Court think it desirable to notice prominently: one is the practice, observed by Mr. Pidcock [vide paragraph 2 of his minute] of bringing cases of that nature to a hearing, and disposing of them, as soon as filed, a practice, which the Court cannot too strongly recommend to every judicial authority, for adoption; to whatever cause attributable, it is certain, as mentioned by Mr. Pidcock, that "this department is in a measure comparatively neglected;" it may arise perhaps from a failure to appreciate its importance, or from the real difficulty and intricacy of the questions, incidentally brought forward, and requiring decision, or not improbably from an impression, that activity in the decision of regular suits is more highly estimated, and more prominently exhibited in the Monthly Statements, but the Court would deprecate any such notions, and would urge upon the attention of the Judicial Officers the following extract from Mr. Pidcock's memoranda, satisfied that in other Districts the results of the practice, pursued in Goruckpore, will be found equally satisfactory. "Two rules have been observed by me: First to keep on my own file all the most difficult and intricate suits, and secondly to dispose of the miscellaneous cases as soon as they are filed; the latter has been attended with the most satisfactory results in relieving parties from a protracted attendance in Court, and thus curtailing the opportunities of intriguing. Before I introduced this practice, my Court was always crowded with parties, anxiously expecting the hearing of their cases: subsequently it became comparatively clear. These miscellaneous cases are frequently the most difficult which a Judge is called upon to decide; they involve very intricate and unforeseen questions, and call for the exercise of much judgment," and they affect, it may be added,

† Of these 10 were decided by Mr. E. A. Reade, Officiating Judge.

‡ 4,079

interests of little less value and importance, than does the adjudication of regular suits. It is not of course to be inferred from this, that the latter branch of business is to be neglected, in order that the former may exclusively occupy attention, but it is the wish of the Court, that such a judicious distribution of time should be made, as that both may receive that consideration, which their importance respectively demands. Another point, which seems to call for some notice, is the large number of applications for foreclosure and redemption of mortgage, as contrasted with the number preferred in years antecedent to 1843: for this increase Mr. Pidcock avows his inability to account, but the history of this "phenomenon" is given in considerable detail, and the question of providing a remedy for the evil discussed, by Mr. Reade in the 19th paragraph of his report, to which the Court desire me to refer. It appears, that formerly in cases of mortgage, accompanied with condition of sale [commonly called Bye-bil wafa] it was customary for mortgagees, applying for foreclosure, to exhibit in Court, together with the applications, filed agreeably to Section 8, Regulation XVII. of 1806, the original deeds, and "the prohibited practice obtained of serving a copy of the mortgage deed upon the mortgager;" latterly both these practices have been abandoned, and to the facilities thus afforded to the designing of intimidating the ignorant, and by means of such imposition extorting from them money as the price of a relinquishment of the prosecution,—as well as to the extensive fabrication of these documents, Mr. Reade attributes the recent increase in the number of applications, preferred under the Regulation above cited; in connection with this, he refers to the detection of "forgeries without number," to his own intimate knowledge of "the tactics of the confederacies, who have reduced their frauds to a system," and laments the indifference, which has contributed to their propagation by failure to institute a criminal prosecution in such cases. As a partial remedy for these evils, Mr. Reade has proposed to revive the abandoned practice of requiring the Deeds of Bye-bil wafa to be presented along with applications for foreclosure, and to facilitate the registration of such deeds by a complete reformation of the office of Kazee. The Court, in noticing this part of Mr. Reade's Report, have observed that the only efficient remedy, which the Law permits, consists in the relentless prosecution of those detected in the fabrication—or the uttering, of the instruments alluded to: admitting that by adopting Mr. Reade's suggestion, and *enforcing* the observance of that rule, some check might be imposed upon the systematic and unprincipled forgery, which is said to prevail, they have remarked, that such power of coercion is not recognized by the Law, and that it is not the part of wisdom to enjoin upon the Courts a practice, which they are legally incompetent to fulfil. The terms of the Regulation [Section 8, Regulation XVII. of 1806] are precise and unmistakeable in requiring the Judge, on receiving "a written application" to furnish the mortgager or his legal representative with a copy of it, and to notify to him, that, if he shall not redeem the mortgage within one year from the date of the notification, "the mortgage will be finally foreclosed, and the conditional sale will become absolute;" the Court, it is obvious, cannot insist upon that, which the Law itself does not require, and were the simultaneous presentation of the Deeds declared by the Court *desirable*, still such a declaration would not be obligatory and the recusancy of a Petitioner to exhibit his deeds would not justify the Judge in refusing the official acts required of him by the Legislative provisions above recited; the Civil Courts would thus be placed in the undignified position of being unable to enforce their own directions, and their authority would be derided, while the evil would continue rife and uncontrolled as ever. Rejecting Mr. Reade's proposal, therefore, the Court have earnestly recommended a resort to the penal Law in every case of detected forgery, in the confident expectation, that the unvarying observance of that principle will have the effect of mitigating the evil, if it fail in altogether removing it.*

* Since these remarks were written, a further letter on this subject has been submitted by Mr. Reade, and accompanies his report in original; it is interesting as shewing the degree, in which the power of the law may be made subservient by unprincipled persons to vindictive and other similar purposes.

106. In the 105th paragraph of the Court's last Report allusion was made to the demise [on the 15th May, 1844] of Moulvee Mahomed Nubbee Yawur Khan, 1st Principal Sudder Ameen, and to the removal of Vilayut Alee Khan, 2nd Principal Sudder Ameen, to

Allygurh, owing to the infirmity of his health, and the uncongeniality of the Goruckpore climate, which was reported to have impaired his powers of application: the former was permanently succeeded* in his office by Ahmed Hussun Khan, formerly Sudder Ameen of Moradabad, and during the interval, which elapsed between the 31st March, when his Predecessor relinquished charge, and the 19th September, when the present incumbent joined his appointment, the duties were discharged† by Moulvee Mahomed Fuzl Azeem, the Sudder Ameen. The interruptions were not less frequent in the other office of the same grade; Vilayut Alee Khan was relieved on the 31st March, and Moulvee Ghoolam Mahomed Moostuffa, who was appointed‡ to succeed him, did not arrive at Goruckpore until the 13th May, and was subsequently compelled by failure of health to apply for leave of absence from the 4th§ September; he did not resume his duties until the 21st November. The memorandum, given in the margin‖ exhibits, compendiously the quantity of work, both regular and miscellaneous, which was brought to a termination in these two Courts, and represents the diligence and application of the several officers, who successively presided in them, in a favorable light, while of its quality, at least as regards the portion disposed of by the newly appointed incumbents, the present returns afford small means of judging. Without adverting to the judicial qualifications of Nubbee Yawur Khan, as shewn by these Statements, it is necessary to mention that the Judge decided 10 Regular and the like number of Special Appeals from the orders of Vilayut Alee Khan, confirming his judgment in one-half of the former, and 6 of the latter, results, which are indicative of insufficient investigation, or worse, insufficient consideration: this officer is said to possess "an excellent character," and it is hoped, that in the District of Allygurh, to which he has been transferred, he may succeed in establishing a reputation for judicial ability, as well as for integrity of conduct. Fuzl Azeem, whose services are commended by Mr. Pidcock, and who is reported to be "an active and meritorious" officer, has received, a reward adequate to his merits, in preferment to the office of Principal Sudder Ameen at Mynpooree, while in regard to Ahmed Hussun Khan, with whom Mr. Pidcock was formerly acquainted, a confident expectation is expressed, "that he will be found very efficient in his present office." This latter Officer, as well as Moulvee Ghoolam Mahomed Moostuffa, is a candidate for exchange to some other District; both are discontented in their present position, and the last named functionary is afflicted with a malady, which in the estimation of the Medical Officer at Goruckpore renders his removal desirable, if not essential to his recovery; such a plea as this cannot with common humanity be rejected, but it is one, which has been similarly urged by his

* Vide my letter, No. 1036, dated 11th June, 1844.
Your reply, No. 2431, dated 28th Idem.

† Vide your letter, No. 1519, dated 23d April, 1844.

‡ Vide your letter, No. 969, dated 16th March, 1844.

§ My letter, No. 1655, dated 19th September.
Your reply, No. 4384, dated 5th October.

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		Regular suits decided on trial.	Miscellaneous Cases. Headings, 1 to 14	Headings, 15 to 17
1st P. S. Ameen's Court. Regular suits, 422; Original suits, .. 61; Appeals, ... 361	Nubbee Yawur 1st January to 31st March.	76	347 (a)	53
	Fuzl Azeem 1st April to 18th September.	241		
	Ahmed Hussun 19th September to end of year.	105		
2d P. S. Ameen's Court. 237; *Original* suits,.. 15; Appeals, ... 222; 659	Vilayut Alee Khan 1st January to 31st March.	69	26 (b)	190
	Moulvee Ghoolam Mahomud Moostuffa 13th May to end of year.	168		
		659	373	243

N. B.—No specification of the share taken by these officers severally in the transaction of miscellaneous business.
(a) Of which decrees fully executed, .. 135
(b) Ditto, Ditto. 8

¶ Vide my letter, No. 1218, dated 10th July, Your reply, No. 2819, dated 27th July, } 1844.

confederate, Ahmed Hussun, and it becomes an anxious question, such is *really* the unhealthiness of Goruckpore, or the dislike, which all natives, not residents in the District or its neighbourhood, conceive for it, how the demands of the public service are to be efficiently provided for: in common with Mr. Reade, the Court are "opposed to a Native Judge holding the highest powers, capable of being invested, and exercising them in the place of his nativity," for it not only exposes him to unjust and unmerited obloquy, but places him in a position, where his official name and influence are daily abused by his relatives and dependents, whose misdeeds reflect discredit upon him—and on this ground the application of Fuzl Azeem for permission to return to Goruckpore has been disallowed.

107. Two cases, heard in Special Appeal from Mr. Pidcock's decision, were sent back by remand, and one from Mr. Woodcock's orders was attended with a similar result, while of 3 Regular and 4 Special Appeals from Vilayut Alee Khan's Court, the orders in two were reversed, three cases were remanded and two dismissed. The judgments also recorded by Moulvee Ghoolam Mahomed Moostuffa, and Syud Fuzl Azeem, which came under revision during the past year, were deemed incomplete, and the cases to which they related, were remanded.

108. During the greater part of the year under report the Sudder Ameen's Court was vicariously administered by Kasim Alee, the Moonsiff of Munsoorgunje, owing to the employment of the incumbent Moulvee Mahomed Fuzl Azeem in a superior office, and his subsequent promotion, and removal to another District, and in the subjoined statement is shewn the amount of business disposed of, after investigation of merits, as well as the degree, in which each of the Officers contributed to its dispatch, so far as this is ascertainable from the Reports and Statements under notice:

	Regular suits on trial.	*Miscellaneous.*
Moulvee Mahomed Fuzl Azeem, from 1st Jan. to 31st March,	89	
Kasim Alee, from 1st April to 7th October,	131	
Abdool Azeez, from 8th October to end of year,	21	298, of which 142 were Decrees completely executed, 229 others having been partially enforced.
	241	

At the close of the period under notice there were but 66 suits, awaiting decision in this Court, a fact, which may have had some influence in leading Mr. Reade to propose the abolition of one of the City Moonsifees, and the introduction of an arrangement, similar to that which obtains in the Azimgurh District, the transference, namely of a portion of the suits, instituted in those tribunals, to the Sudder Ameen for trial and decision; the recent elevation* of Kasim Alee to the Sudder Ameenship of Azimgurh afforded a favorable opportunity for this measure, which was accordingly sanctioned as one, conducive to economy without being in any way detrimental to the efficiency of the agency employed. Of 91 decisions, passed by Fuzl Azeem in the capacity both of Sudder Ameen and of Moonsiff, which underwent revision in Appeal before the Judge and Principal Sudder Ameens, 56 were upheld, being in the proportion of about 61½ per cent to the whole number adjudicated, which closely approximates to the result obtained in the year last reported on, and was then pronounced "not so favorable as to merit particular commendation." The Officiating Judge has had "too little experience of Abdool Azeez,† the present Sudder Ameen to record "aught but a general impression of his intelligence and acuteness;" if a judgment may be

* My letter, No. 371, dated 21st Feb., 1845. Your reply, No. 1073, dated 14th March.

† Vide my letter, No. 1480, dated 26th Aug. 1844. Your reply, No. 3948, dated 7th September.

formed from his qualifications as a Moonsiff, there is reason to hope, that he may prove a respectable and efficient co-adjutor in the administration.

109. The alterations, sanctioned by the Court in the jurisdictions of the Moonsiffs' Courts of this District, having been laid before Government with my letter, No. 395, dated 24th February last, it may be sufficient to observe in this place, that the effect of these modifications, and of Mr. Reade's more recent proposal, adverted to in the antecedent paragraph, will be to reduce the number of these tribunals from 10 to 8; at the same time the amalgamation of the Saleympore and Belwa Mehwadeh jurisdictions, and the centrical location of that Court at Deoreya, together with the transference of two Tuppehs from the Bansgaon to the City Circle, and one or two other unimportant changes, will serve to render the several jurisdictions more compact, and more in consonance with the fiscal divisions of the District: there can be little room for apprehension as to the adequacy of this reduced agency to the judicial wants of the District, seeing that during the greater part of the period under report, only 8 Officers of this grade have been at work, no successor to Kalee Pershad, Moonsiff of the City having been appointed on his acceptance of a pension on the 18th February, and no substitute having been sent to Belwa Mehwadeh, when Doorga Narain, the Moonsiff of that Circle, was deputed on the 5th April to officiate as Moonsiff of Munsoorgunje. These jurisdictions, however, were in existence during the past year, and as the statistical details given on the authority of Mr. Pidcock in the 107th paragraph of the last report, are said by Mr. Reade to have been "founded upon returns which have been ever alluded to in the Collectorate Office as unworthy of any credence" it may be as well to repeat the Statement [A] alluded to with such alterations, as the amazing increase of population since the date of of those returns, and the evidence of a more recent and careful census render necessary.

A *Moonsifee.*	*Area Acres.*	*No. of inhabited Villages.*	Population. *Agricultural.*	*Other Professions.*	*Total.*	*Suits instituted in 1844.*	*Cost of Establishment.*			*Stamp Revenue realized.*		
Captaingunje,.....	4,88,241	2,116	2,17,115	1,14,818	3,31,933	542	1667	0	0	1902	4	0
Bansee, ...	7,67,345	2,228	2,30,107	1,46,382	3,64,869	447	2247	8	0	2376	8	0
Khuleelabad, ...	6,09,187	2,221	2,45,065	1,40,228	3,85,353	476	1680	0	0	1976	0	0
Bansgaon,.....	4,15,810	1,634	1,99,007	1,09,912	3,08,919	477	1680	0	0	1985	0	0
Munsoorgunje,.....	10,22,396	1,316	2,00,957	57,843	2,58,800	563	1970	0	0	1887	4	0
Perowna,.....	5,92,238	1,167	1,99,689	38,965	2,39,654	529	1645	11	2	1904	0	0
Belwa Mehwadeh,.....	3,68,187	797	1,07,793	55,938	1,63,731	174	1105	8	0	700	6	0
Saleympore,.....	3,62,349	1,224	2,30,535	45,536	2,76,071	425	1680	0	0	1798	0	0
Goruckpore City and Environs,.....	73,130	95	20,413	38,088	58,501	471	2400	0	0	1568	9	0

As stated above, the number of these jurisdictions has been by the operation of the late modifications reduced to 8, and in order to facilitate comparison, and to exhibit the extent of area and population comprised in each, as at present constituted, another Table [B] is subjoined,

B	*Area in Acres.*	*Inhabited Villages.*	*Uninhabited Villages.*	*Total.*	Population. *Agricultural.*	*Other Professions.*	*Total.*
1. Bansee,.....	7,67,345	2228	454	2682	2,30,107	1,46,382	3,64,869
2. Khuleelabad, ...	6,09,187	2221	556	2777	2,45,065	1,40,288	3,85,353
3. Deoreea,.....	6,26,457	1849	313	2162	3,19,847	89,152	4,08,999
4. Captaingunje,.....	4,88,241	2116	367	2483	2,17,115	1,14,818	3,31,933
5. Perowna,.....	5,92,338	1167	115	1282	1,99,689	38,695	2,38,654
6. Bansgaon,.....	3,74,702	1531	598	2129	1,79,957	98,568	2,78,525
7. Munsoorgunje, ...	10,68,840	1395	332	1727	2,10,323	61,983	2,72,306
8. City and Environs,.....	1,71,873	291	181	472	48,426	57,766	1,06,192
	46,98,983	12798	2916	15,714	16,51,681	7,35,150	23,86,831

in which the names of the several Moonsifees are entered in the order of their estimated importance, relatively to the nature of the questions, which are likely to be brought up for adjudication; Mr. Reade in making this classification [paragraph 14] observes, that "the rights, privileges, and local usages" of the agricultural population having been "defined with precision and in considerable detail in the Settlement record, and their maintenance secured by a formal obligation binding upon all, the legal questions of the greatest difficulty may be expected to be mooted amongst those, whose vocation is other than that of agriculture; it is very questionable whether this expectation is well founded, for it is repugnant to all judicial experience, which shews, that suits relating to land ordinarily involve questions of greater intricacy and importance than any other, and that their adjudication calls for the exercise of more judgment, than cases connected with petty commercial transactions, which would alone be instituted in a Moonsiff's Court, but the Court have nevertheless thought it fitting to place on record the opinion of Mr. Reade, who, from his long residence in the Goruckpore district, has enjoyed singular opportunities of observation, and who may perhaps in future reports desire to revert to this interesting topic. In these tribunals collectively 3150* regular suits were brought to decision during the past year, on trial of the merits, and 2,203 miscellaneous cases were determined after investigation, inclusive of 1527 Decrees fully executed; to this is to be superadded the partial enforcement of 638 other adjudicated claims; the whole constituting an amount of work exceeding very considerably in both departments that accomplished during the year last reported on, when the 10 Courts were in full operation for the entire period. As the nature of the business instituted in each Court, and the manner, in which it was disposed of, is clearly exhibited in Mr. Reade's Report, and the minute placed on record by Mr. Pidcock, it is only requisite to express the Court's favorable opinion of the energy and industry, by which, notwithstanding the reduced strength of the judicial establishments, results so satisfactory have been produced;—the Officer, stationed at Belwa Mehwadeh and one of the City Moonsifees, which tribunals, as above mentioned, were vacant from the 5th April and the 18th February respectively, being excepted, the Court at Saleympore is the only one, in which the fixed minimum of monthly decisions was not exceeded, and the failure in this instance is attributable solely to the long-continued illness of the incumbent, who has been on that account removed in a similar capacity to the Ghazeepore District since the commencement of the present year.

* Of which were decided ex-parte,... 402
Ikbal Dawa,..... 1266

110. In the marginal statement is exhibited the result of 649 appeals, tried and decided by the Judge and 2 Principal Sudder Ameens, from the judgments pronounced by Moonsiffs, whose incumbency continued until the close of the year under report; of these 193 were reversed, in the proportion of about 29¾ per cent to the whole number adjudicated, a result, which may be received as evidence of careful investigation and discriminating judgment: the judicial ability of Kasim Alee, who has been recently transferred to a superior office at Azimgurh, is represented in a very favorable light by this

	Tried.	*Confirmed.*	*Reversed or modified.*	*Per Cent of Reversals.*
Mehdee Hosein Moonsiff of Captaingunje, ...	92	55	37	40¼
Hubeeboollah Moonsiff of Bansee, ...	42	32	10	23·6-7th
Mehndee Alee Khan Moonsiff of Khuleelabad,..	77	46	31	40⅓
Rusool Buksh Moonsiff of Bansgaon,..	99	65	34	34⅓
Kasim Alee Moonsiff of Munsoorgunje, ...	58	51	7	12·1-14th
Doorganarain Offg. Moonsiff of Munsoorgunje, ...	31	25	6	19⅓
Skeekh Mahomed Moonsiff of Perownah, ...	76	55	21	27⅔
Doorganarian Moonsiff of Belwa Mehwadeh,.. ..	46	40	6	13·1-23rd
Bisseshur Dyal Moonsiff of Saleympoor, ...	41	27	14	34·1-7th
Kurreemooddeen Moonsiff of Goruckpore, ...	87	60	27	31·1-29th
	649	456	193	29¾ per cent

	Tried.	Confirmed.	Reversed or Modified.	Per Cent of Reversals.
By Judge, ...	124	92	32	25·5-6
By 1st P. S. Ameen,	322	211	111	34¼
By 2nd P. S. Ameen,..	203	153	50	24⅔
	649	456	193	

return, which is at the same time not less creditable to Hubeeboollah, Moonsiff of Bansee, and Doorga Narain of Belwa Mehwadeh, the latter of whom is commended by Mr. Pidcock for the "marked improvement" observable in his proceedings, which during the antecedent year were found to have been "characterized by culpable dilatoriness." The only decided exception to the generally favorable account given of these functionaries is in the case of Rufsool Buksh, Moonsiff of Bansgaon, whose proceedings, especially in Miscellaneous cases, which passed under review, were thought liable to much exception: he is "not deficient in ability," however, and "he bears a fair character," so that improvement may be reasonably expected to ensue from the admonition and warning, which Mr. Reade has thought it his duty to administer. Sheikh Mahomed, Moonsiff of Perowna, after 36 years of service has retired on a Pension, authority for which was conveyed in your letter No. 4102 dated 17th September last. The 108th paragraph of the Civil Report for 1843, adverts to the conferment of penal powers on the Moonsiffs, subordinate to the Goruckpore Court, and it was expected, that an opportunity of judging of the practical working of the system about to be introduced might be afforded, before the period for the submission of this address arrived: such is not, however, the case: the experiment was only brought into operation at the commencement of the present year, the postponement being owing probably to the late appearance* of the Rules, designed to regulate their proceedings, and another year must elapse, before the practicability of the scheme, and the expediency of extending it to other Districts, can be estimated.

* Vide Agra Government Gazette dated 15th October, 1844.

111. Before closing this section of the Report, the Court desire me to advert to some subjects of a general nature, which are touched upon in parts of the Officiating Judge's Report. The question of erecting public buildings for the occupation of the Moonsiffs at the cost of Government [paragraph 15] as well as the proposed plan for the payment of the Mofussil Judicial Establishments, has been submitted for the consideration of Government with my separate letter, No. 913, dated 21st May, 1844, and in reporting the condition of the record department, the Court have advocated, as a general measure, the periodical destruction of all judicial records, older than 12 years, on the ground of their questionable utility after the lapse of the period of legal limitation, their progressive accumulation, and the impracticability of providing adequate accommodation for them without a periodical enlargement of the public buildings; it is only necessary, therefore, on these subjects to add, that the records of recent date [since 1832] are sufficiently well assorted and arranged to admit of the easy production of papers, and the records prior to that date are always procurable with some search. With reference to the 18th paragraph of Mr. Reade's Report, in which he proposes that the salaries of the Moonsiffs shall be regulated according to the relative importance of their jurisdictions, the Court, withholding their assent from the principle, have remarked that the variable nature of such a criterion is one of the most obvious, as it is among the most cogent, objections to its adoption: it cannot be expected that in any jurisdiction litigation will be uniform either in regard to its extent or its character for a series of years, neither is such a consummation to be desired, for litigation is the natural and necessary consequence of improved civilization, and the accumulation of wealth, and the gradual progress or retrogression of the country in these respects cannot be without its effect on the nature and amount of the business, submitted to the judgment of the Civil Courts: with every change of this description either a mutation of incumbency, or a gradation of the incumbents' remuneration would be necessitated by adherence to the principle advocated by the Officiating Judge, and neither the one nor the other, it seems to the Court, would contribute to the efficiency of the administration or the respectability of the judicial agency. Other arguments might be advanced against the introduction of the plan, but it may be unnecessary

at present to enter into further discussion on a question, rather incidentally proposed, than submitted for serious consideration. In like manner the Court dissent from the opinion expressed in the concluding part of the same paragraph: though the custom of "feeing furtively" be admitted to be universal, yet its authoritative recognition and the formation of "a Table of Fees" would as little prevent unprincipled exaction, as the concession of respectable salaries has been found by experience to put an end to corruption: the simple denunciation of an iniquitous practice may be inefficacious, but there is little doubt, that the legalization of the Feeing system without any—or at any rate,—without sufficient means of checking its abuse, would be equally inefficacious also. The remarks, contained in the 15th paragraph of Mr. Reade's report, regarding the gradual elevation of the Ministerial Officers of the Civil Courts, to judicial appointments on proof of their possessing the character and qualifications requisite to fit them for such a position, appear to the Court deserving of attention; the principle of their eligibility has been already asserted, and practically acknowledged in one or two instances, and the Court are satisfied, that, provided a judicious selection be made, the removal of the restrictions, heretofore in force, in respect of the primary nomination and subsequent promotion of Judicial Officers, will tend to promote the efficiency of the department under their controul. The anomaly complained of in the 110th paragraph of the Civil Report for 1843 will, there is reason to expect, be shortly removed by the enactment of a Law, for the better regulation of Sales, in execution of Decrees of the Courts of Justice, and no more particular allusion to the subject seems to be required, inasmuch as the principle and provisions of the proposed Act have been fully discussed in my letter, No. 528, dated 14th March last.

AZIMGURH.

112. The 112th paragraph of the Court's last Report was devoted to an examination of the condition of the general file, in respect of cases older than a twelvemonth, as compared with the results exhibited in the Returns for 1842, and commented in terms of warm commendation on the very great improvement, effected by the energetic exertions of the subordinate Judicial Officers, and the vigilant supervision maintained by Mr. Robert Neave over their acts. The Court have much satisfaction in repeating, on the present occasion, a very favorable opinion of the administrative management during the past year in the Azimgurh District, and in ascribing to Mr. Neave's personal assiduity and zeal, and the influence of his character on those subject to his authority, a large measure of the success, which the results exhibited in the Statements under review denote. In estimating the value of his labors, and the results of the past year's operations, it must be borne in mind, that interruptions have occurred in the incumbency of the Sudder Ameen's Court and that of the Azimgurh Moonsiff, the former having been vacant since the 25th July, when Kazee Yar Alee was removed as Principal Sudder Ameen to Jounpore, and the latter, since the 24th November, on which date Mahomed Suleem relinquished charge and proceeded in a superior capacity to Bijnore, and it must be admitted, that the withdrawal of the late Sudder Ameen's very efficient assistance, conjointly with an inevitable accession of labor, occasioned by the enactment of Act XII. of 1843, and the absence of Mahomed Suleem at a time, when his services were most urgently needed, constitutes an adequate explanation of the falling off in the number of regular decisions after trial to the extent of 90, and the increase, by 150 cases, of the arrear on the general file, as compared with its condition at the end of 1843, which the present returns represent. In this depending arrear, it is true, were comprised 25* original suits of longer standing than a twelvemonth, while in the miscellaneous department likewise 3† cases of similarly protracted

JUDGE.	
Headings, Nos. 1 to 14,..	341
" " 15 to 17,..	3313
	3654

P. S. AMEEN.	
Headings, Nos. 1 to 14,..	366
" " 15 to 17,..	582
	948

P. S. Ameen.	*S. Ameen.*	*Moonsiffs.*	*Total.*
* 14	2	9	= 25
† 1	0	2	= 3

duration awaited determination, but it must be added, that of the former 10 had been remanded at dates comparatively recent for reinvestigation and retrial, 10 others properly appertained to the Sudder Ameen's Court and, after an interval of inactivity extending from July to November, were transferred at the Court's suggestion to the Principal Sudder Ameen's file, and the disposal of the remaining 5, though ready for hearing, was precluded by the departure of Mahomed Suleem, the Moonsiff of Azimgurh, as above stated, while of the 3 miscellaneous cases noted, two were in the latter predicament. Although, therefore, no numerical diminution of long-standing arrear is apparent, yet the result of operations, judged with reference to the character and condition of that arrear, to the strength of the agency available, and the interruptions unavoidably produced by the exigencies of the public service, must be pronounced equally satisfactory, and creditable.

113. Mr. Robert Neave, by whom the Report and Statements have been submitted, held the office of Judge throughout the period under review, and decided on trial 251 regular suits, of which 6 were Original, and 245 Appeals, besides disposing by an order on the merits of 308 miscellaneous cases referrible to the important matters included under the first fourteen Headings of Statement No. 2,* an amount of business, which, though falling short of that accomplished in 1843, leaves no room to question either the zeal or the diligence, for which Mr. Neave has been no less distinguished than for the ability, with which his judicial duties have been ever conducted. That the obligations imposed by Act XII. of 1843, must, as urged in the 3rd paragraph of the Judge's Report, have operated to increase the difficulty of preparing decretal orders, and by requiring that the grounds of every judgment should be recorded in the English language, have occupied much time and attention which might formerly have been devoted to the hearing of causes, is undeniable, but the diminution, apparent in the number of suits decided after investigation of the merits, is not so considerable, as to call for the apology, which Mr. Neave has been pleased to offer, nor is the arrear, either in the regular or the miscellaneous department, so large as to justify any unfavorable presumption; on the contrary, there is every reason to conclude, that this Court has been brought to a state of praiseworthy efficiency, from the facts stated, that no cases instituted prior to the month of May awaited decision, and that nothing remained "incomplete, which could at the end of the year have been brought to a conclusion." During the past year, some progress has been made in the extension of the system, permitted by Regulation VI. of 1832, 8 cases having been tried and decided with the auxiliary agency which it allows, but it seems very doubtful whether this extension will be either progressive or permanent, seeing that Mr. Neave derived but little assistance from the co-operation of the assessors, who were employed, and pronounces the result "of the little which has been done" for the introduction of the Law, unsatisfactory. Sessions and Criminal duties occupied 66 days, and on the Civil side the Court was open for 179 days, during four of which Mr. Neave was unable to give his attendance by reason, it is presumed, of failing health, which has ultimately compelled him to relinquish his official employments for a season, and to resort to change of air, and relaxation for its recovery. Of 2 regular and 4 special Appeals from the orders of Mr. Neave, which came to decision in the Sudder Dewanny Adawlut, his judgment was confirmed in 1, and in 2 others modified or reversed, while of the 3 remaining cases, one was dismissed, and 2 sent back by remand.

* 3309 Orders were passed under Headings, 15, 16 and 17,

114. The quantity of business, dispatched in the Principal Sudder Ameen's Court, in which Syud Mahomed Luteef presided during the whole year, amounted on the regular file to 246 suits decided on trial, of which 92 were original and 154 Appeals from the orders exclusively of the Moonsiffs, being in excess of that disposed of in 1843, and in the miscellaneous department to 250 cases under the 1st, 4th, 5th, 6th, 10th, 11th, 12th and 13th Headings of Statement No. 2, determined after investigation of the merits, in which number are comprised 97 decrees carried out to full execution: other 93 applications were struck off

after partial fulfilment, and, in addition to the foregoing results of his labors, 582 orders were passed on the matters classed under the last three Headings of Statement No. 2, and towards the close of the year he was charged with the extraneous duty of supervising the execution of Decrees, emanating from the Sudder Ameen's Court, the vacation of which for so long a period as 5 months would have subjected parties to serious hardship, had not the Principal Sudder Ameen's aid been made available in the manner described.* Mr. Neave, in commenting on these results, bears very creditable testimony to the energy and industry which Syud Mahomud Luteef has exerted during the past year, and points to the larger quantity of business, both regular and miscellaneous, which has been dispatched, and to the insignificance of arrear, older than 1844 appearing on the Principal Sudder Ameen's file, as evidence in support of his conclusions; the Court are glad in being able to acknowledge the justice of these opinions, and deem it only right to give as prominent a publicity to these laudatory comments, as to the matters, mentioned in the 114th and 115th paragraphs of the Civil Report for 1843, as calculated to throw doubts alike on the judicial efficiency, and the respectability of Syud Mahomed Luteef; these doubts the Principal Sudder Ameen appears to have endeavoured earnestly to remove by steady industry, and conscientious conduct, which has had the effect of raising his character in the estimation of his immediate superior, and may, if persevered in, be expected to entitle him to further advancement. In regard to arrears, the business of his Court was in satisfactory condition when the year closed, the regular file exhibiting 141 suits [of which 100 were appeals transferred to him on the 29th November, 1844] for future decision, and the miscellaneous arrear of all descriptions comprising no more than 104 cases, of which one only, relating to execution of Decree, had been depending for more than a year, and awaited, at the end of December, the sale of property, sequestrated for that purpose. If the increased quantity of work, disposed of by Syud Mahomed Luteef during the past year, be considered worthy of commendation, and indicative of more zealous application, the result of appeals from his judicial decisions, though still somewhat unfavorable, must be likewise received as evidence of the greater care, bestowed by him upon the investigation and final determination of the cases, adjudicated in his Court, it being apparent from the marginal† abstract of the appeal Statement, that his judgment was suffered to stand unaltered in 23 out of 39 cases revised by the Judge in appeal, or in the proportion of 59 per cent on the whole number, brought to decision on the merits; the character, of his decisions as Sudder Ameen and Moonsiff, is shewn by the same record to have been more exceptionable, while of 1 special and 3 regular appeals heard by the Sudder Dewanny Adawlut, two terminated in the absolute reversal of his order, and the remainder in the cases being sent back by remand for reinvestigation, and retrial.

* The Principal Sudder Ameen also disposed of 18 Criminal trials, referred to him by the Magistrate.

†

	Tried.	*Confirmed.*	*Reversed or Modified.*
As P. S. Ameen,..	39	23	16
As Sudder Ameen,	2	0	2
As Moonsiff,.. ..	6	4	2
	8	4	4

115. Since the removal of Kazee Yar Alee, the Sudder Ameen of this District, on his promotion to a superior grade in the judicial department, the necessity of retaining the office, with reference to the grounds of its original establishment, and the subsequent alteration of the Law which has destroyed their cogency, has been brought under discussion, and the project of its immediate abolition, adverted to in the 117th paragraph of the Report for 1843, has been on the Judge's representations, and the Court's concurrent recommendation, abandoned,‡ but owing to the unforeseen and unavoidable prolongation of the correspondence, relating to this proposal, and to the decease§ of Syud Azeemoollah Khan, the successor appointed by Government under date the 25th November last, this Court was not in operation after the 25th July, the date, on which Kazee Yar Alee proceeded to join his new appointment.

‡ See my letter, No. 1142, dated 19th June, and No. 1890, dated 26th October,.. .. } 1844.

§ See my letter, No. 371, dated 21st February, 1845.

To this interruption only, and not to any defect of attention or industry, is the falling off in the quantity of business brought to a conclusion in this Court attributable, but the inconvenience, arising from the protracted vacation of the office, has been, the Court would fain hope, obviated, or if not altogether obviated, in a great measure allayed by the transference of long-standing cases to the Principal Sudder Ameen's Court, and the application of his services during the latter part of the year to the execution of the Sudder Ameen's decretal orders, as mentioned in a preceding paragraph of this Report. The determination on trial of 237 original suits, and the disposal after investigation of the merits of 647 miscellaneous cases, comprising the complete execution of 157 decrees [166 others having been partially settled] besides other miscellaneous matters therewith connected, constitutes an amount of work, which, though necessarily falling short of that accomplished in 1843, cannot, with reference to the circumstances above detailed, be regarded as other than creditable to Kazee Yar Alee's energetic exertions.* From the causes above alluded to also it has resulted, that at the close of the period under report, the arrear, both regular and miscellaneous, slightly exceeded that appearing on the file at its commencement, but no such accumulation has supervened, as to justify an apprehension, that the efficiency of the Sudder Ameen's Court will be thereby, even temporarily, impaired, or that the newly appointed functionary,† Kasim Alee will find therein any obstacle to the prompt administration of justice, or the satisfactory dispatch of general business. It seems needless to detain the Government with any remarks regarding the official character and merits of Kazee Yar Alee, whose connection with this District has now ceased, the estimation in which his past services, and his judicial ability are held by the Court, being apparent in his early promotion to superior office, and in the commendation, which his labors at Azimgurh have on former occasions elicited; the result of Appeals from his orders, which should be, and is usually referred to as one test, among others, of judicial efficiency, is certainly less favorable than former Reports have exhibited it, his judgment having been interfered with in 38 out of 119‡ decisions revised by the Judge and Principal Sudder Ameen in Appeal, or nearly 32 per cent, but it would be unjust to infer from this fact alone, in opposition to the opinion of his immediate superior, and all reasonable presumption, that he has during the past year, failed to investigate his cases with the care and anxiety, which a due appreciation of the importance of judicial office should induce: the Court, adverting to his well-earned reputation, would rather conclude, that the matters requiring adjudication, have been more complicated and difficult in their nature, and the less favorable results are attributable more to that fact, and to error of judgment, than to insufficient investigation, or defective knowledge. His place, it is hoped, will be not unworthily filled by Kasim Alee, who, as Moonsiff of Munsoorgunje in the Goruckpore District, has been distinguished for ability, no less than for uprightness of conduct and respectability of character.

* It should be mentioned, that Mahomed Suleem, the Moonsiff of Azimgurh, officiated until the 6th January, when he was relieved by Kazee Yar Alee on his return from Benares, whither he had been deputed as Acting Additional Principal Sudder Ameen: Kazee Yar Alee also determined 17 Criminal Cases, sent him by the Magistrate.

† See my letter, No. 371, dated 21st Feby. 1845. Your reply, No. 1073, dated 14th March, 1845.

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Proportion of Reversals.*
‡ As S. Ameen,	47	28	19	40½ per cent.
As Moonsiff,	72	53	19	26½ per cent.
	119	81	38	

116. In the 10th paragraph of his Report, Mr. Neave has revived the question of the possibility at some future period of abolishing the Sudder Ameen's office, intimating at the same time that the adoption of that measure would necessitate the restoration of the appointment of Additional Moonsiff, which was reduced in 1843: the enquiries, however, instituted during the past year, as intimated in my communication marginally§ cited, served to shew, that suits adapted to the peculiar jurisdiction of a Sudder Ameen were by no means inconsiderable in number,

§ No. 1142, dated 19th June, 1844, paragraph 3.

and to satisfy the Court, that the abolition of the more competent tribunal, and the inconvenience which it might entail, would hardly be counterbalanced by the trifling diminution of expenditure, which the substitution of the inferior office would effect. The present Officiating Judge has been accordingly apprized of these sentiments, which, it is hoped, will accord with the views of Government, and consist with the wishes of the community, who are mainly interested in the matter.

117. The correctness of the Court's opinion, as to the "inutility of adding to the present numerical constitution of the Azimgurh Courts" has been vindicated during the past year by the efficiency, with which the Judicial and Miscellaneous business, devolving on the 2 Moonsiffs employed, has been dispatched, and the satisfactory condition of their files at its close, notwithstanding the interruptions occasioned by the removal of Mahomed Suleem on the 24th November to Bijnore, and the absence of Heyt Loll, the Moonsiff of Mahomedabad Gohna, for 31 days in excess of the ordinary adjournments of the Civil Courts on account of authorized vacations. While the labors of these Officers in the regular department are favorably represented by the decision on trial of 658* suits, the efficacy of Mr. Neave's injunctions† in regard to the miscellaneous duties, is apparent in the complete execution of 445, and the partial fulfilment of 123 decrees in addition to the disposal of 122 petitions of objections, preferred to orders passed in course of execution: their performances in the latter branch of duty, it will be observed, are more considerable than those represented in the 118th paragraph of the Civil Report for 1843, and at the same time more satisfactory, in that a larger proportion of Decrees have been carried out to full execution, while, as regards the manner in which their judicial functions have been discharged, it may be sufficient to refer to the marginal extract from the Appeal Statement, shewing that of 89 Appeals from the decisions of Mahomed Suleem adjudicated by the Judge and Principal Sudder Ameen, 75 or a proportion of 85¾ per cent terminated in the confirmation of the original order, and that Heyt Loll's judgment was pronounced erroneous in 45 out of 134 cases, which underwent revision, or in the proportion of 33½ per cent. The eminent ability of Mahomed Suleem and his high respectability of character have been eulogized by the Judge, and in concurrence with him by the Court in past Reports, and the testimony borne by these returns to his judicial capacity leave no room to doubt, that in the superior office at Bijnore, to which he has been recently promoted,‡ he will justify the Court's discrimination by an equally conscientious and efficient discharge of his important duties. The recency of Heyt Loll's appointment at the close of 1843 precluded the formation of any definite opinion respecting his qualifications for Judicial office, although he was considered entitled to credit for industrious application to his duties, and was reputed to possess "a character for integrity unimpeached," but the experience of the past year, while it has left Mr. Neave's opinion on the latter points unaltered, has, the Court regret to add, given him reason to represent the former in an unfavorable light, not in the report, which accompanies, but in separate correspondence, to which allusion is made in the 8th paragraph thereof. Without recapitulating the purport of this correspondence, or troubling the Government with its submission, it may be sufficient to explain, that the decrees of Heyt Loll, which were forwarded by Mr. Neave for the Court's inspection, though admitted

* Of which exparte,..... 112
On Ikbal Dawa,..... 92
204

† See paragraph 12 of Judge's Report.

	Tried.	*Confirmed.*	*Reversed or Modified.*
Mahomed Suleem, Moonsiff of Azimgurh,.....	89	75	14
Heyt Loll, Moonsiff of Mahomedabad Gohna,.....	134	89	45
	223	164	59(*a*)
(*a*) By Judge,.....	99	72	27
By P. S. Ameen,.....	124	92	32
	223	164	59

‡ Vide my letter, No. 1264, dated 16th July, 1844. Your reply, No. 3002, dated 8th August, 1844.

to be unfavorable specimens of consistent reasoning and clear diction, were not considered so faulty as to justify the extreme measure of his displacement, and that the Court, ascribing the illogical argument, which they confessedly exhibited, to the short experience and contracted judicial knowledge of Heyt Loll rather than to absolute incapacity, satisfied themselves with directing his removal to another jurisdiction [Phoolpoor in Zillah Allahabad] in which the suits instituted were known to be of a more simple nature. There is reason to hope, that the warning, which Heyt Loll has received, may have a beneficial effect in impressing upon him the importance of judging carefully, and recording his judgments in language at once clear, concise and idiomatic.

118. A reference to the marginal note* will shew that the cost, incurred by Government in the maintenance of the establishments attached to each Moonsiff's Court, is more than counterbalanced by the revenue realized from the sale of stamp paper, and such, the Court are induced to think, will be found the case in the majority of Districts, subject to their authority.

	Cost.	*Stamp Sales.*
* Moonsiff of Azimgurh,.....	2280	3334 12
Moonsiff of Mahomedabad Gohna,	1680	3107 4
Rs.	3960	6442 0

119. Since the commencement of the present year a definite proposition for the adjustment of subordinate Civil jurisdictions in this District has been received from the Officiating Judge, Mr. Armstrong, and approved by the Court, as well calculated to remove the inequality of business in the Courts of first instance, which has been found to exist, and to accomplish the other objects contemplated by the Resolution of Government, dated 30th October, 1837: the only change effected, as reported in my letter, No. 590, dated 28th March, 1845, consists in the transference of Pergunnah Sugree to the Azimgurh division, and the removal of the Mahomedabad Gohna Court to Ghosee, which is, equally with the former location, the site of a Tehseeldaree Cutcherree, and is a more centrical position with reference to the limits of the revised jurisdiction. The objections, suggested by Mr. Neave in the 11th paragraph of his Report, namely, the want of a suitable building at Ghosee and the improbability of Government assenting to its erection, have not been held sufficient to stand in the way of the execution of the measure, seeing that the like objection would apply to almost every change of location, which it might be thought advisable for the interest of the people, and the efficiency of the subordinate Judicial Courts, to recommend.

120. In the concluding paragraph of his Report, the Judge alludes to the condition of the Record department, and intimates that the assortment of papers, received from the District of Jounpore, which has for some time necessitated the entertainment of extra establishments, was completed during the Dusserah vacation, without the incurment of the expense anticipated, by putting in requisition the services of the unemployed Mohurrirs attached to the subordinate Courts: the accomplishment of this laborious and tedious task without further auxiliary agency reflects credit on Mr. Neave's exertions, and indicates a prompt and thoughtful application of available means to an useful end, which is deserving of commendation and imitation. In a supplementary letter received from Mr. Neave's temporary successor, the system followed in the arrangement of the records is described, and, though differing from the plan approved by the Court in some respects, appears unobjectionable: the rooms used as a depository are not sufficiently commodious, and it is thought advisable by the Judge, with a view to the due preservation of the papers, and proper facility of reference, that a new building should be erected for the express purpose: whether this be absolutely necessary at the present time may admit of doubt, and therefore the Court have hesitated to recommend it, but it seems probable that additional space will be required before long.

JOUNPORE.

121. Notwithstanding Mr. R. J. Tayler's recent translation to this jurisdiction, and some interruptions during 1844 in the incumbency of the Principal Sudder Ameen's Office, which will be explained in a subsequent paragraph, the Civil business in this District, is represented by the accompanying returns to be in a satisfactory condition, and the improvement, which was the subject of commendation in the 123rd paragraph of the last Report, as regards cases of longer standing than a twelvemonth, has been progressive. The number of suits pending on the several files, when the year 1843 terminated, was 318 less than at its commencement, while the business before all the Courts during the past year differed but little in amount from that, which called for attention during the antecedent annual period; nevertheless the income of suits was larger by 313, and the decisions on trial likewise more numerous by 57, in the past year, while the arrear at its close consisted of 738 cases, fewer by 72, than at the corresponding period of 1843. The testimony, borne by these general results, to the efficiency of the Jounpore tribunals, and the personal industry of all engaged in the Administration of Civil Justice, receives abundant confirmation from the fact, that in the arrear above represented no more than 2 regular suits older than a year, [1 original before the Muchleeshuher Moonsiff, and 1 appeal before the Judge] were comprised, and that in the Miscellaneous department the list of cases, similarly protracted in their duration, was limited to 3 applications for execution of Decree, awaiting a final order in the Principal Sudder Ameen's Court, and 2 cases under Heading 17 of Statement No. 2, the disposal of which was necessarily postponed until the period of expectancy, prescribed by Law for the appearance of heirs, or claimants to the property of the deceased intestate, should expire. If to this it be added, that both the regular suits had been decided at the date of the Judge's Report [3rd February,] and that the Principal Sudder Ameen's proceedings in the two miscellaneous cases before him were considered to be free from error and objectionable delay, the assertion above advanced of the efficiency of the administration in this District will not be denied, nor will the claim of the Judge and his coadjutors to commendation and credit for the improvement,* which has been accomplished by their exertions be disputed; there is good reason; from experience of the past, to anticipate that no effort on the Judge's part will be spared to perpetuate the desirable end, that has been attained, by strictly supervising the official acts of his subordinates, and amending any irregularity of practice, which may be brought to notice by occasional revision of their proceedings in his appellate capacity.

JUDGE.	
Headings, Nos. 1 to 14,..	176
,, ,, 15 to 17,..	4714
	4890

P. S. AMEEN.	
Headings, Nos. 1 to 14,..	428
,, ,, 15 to 17,..	753
	1181

PENDING MORE THAN 12 MONTHS.

	Regular suits.	*Execution of Decree and cases connected therewith.*
* 1843,.....	11	16
1844,.....	2	5
Decrease, ...	9	11

122. In the Judge's Court, which with little interruption was administered during the whole year by Mr. R. J. Tayler, 205 regular suits, all save one appeal, were brought to decision on trial, and 142 cases and petitions under the first 14 Headings of Statement No. 2 were disposed of by an order on the merits,—an amount of work, which could not well have been exceeded, with due reference to the unencumbered condition of the files, both regular and miscellaneous, at the close of the period under report, and the occupation of Mr. Tayler for 107 days in the duties of Judge of Sessions and Criminal Appeal, which engaged the attention of his Predecessor for a period of 64 days only during the year 1843: it should also be noted, although indeed no deficiency of work being apparent, no excuse or apology may be required, that Mr. Tayler was absent on leave from the 10th to the 29th November, during which interval the charge of the current duties devolved on of the Principal Sudder Ameen, and that since the 4th January, 1844, when he assumed charge of this Judgeship, he has

entitled himself to the acknowledged merits of the Court by an equally zealous and careful exercise of his supervising authority, to which much of the improvement effected by the reduction of long-standing cases may be fairly attributed. Of 3 cases, connected with accounts, which were tried with the assistance of a Punchayet agreeably to the provisions of Regulation VI. of 1832, two were decided in accordance with their award, and though this result is satisfactory in shewing that the agency, when called into action, is ordinarily an honest auxiliary, it cannot be taken to evidence any advance whatever in the introduction of the Law, which permits its employment. The Court, in one special appeal from Mr. Tayler's decision, found it necessary to remand the case for reinvestigation and retrial.

123. Moulvee Ghoolam Mahomed Moostuffa Khan, though appointed by Government under date the 16th March, 1844, to be Principal Sudder Ameen of Goruckpore, continued to officiate in that capacity at Jounpore, until relieved on the 1st May by the permanent incumbent Mahomed Yoosuf Hussan Khan, who, being transferred at his own request and the recommendation of the Court to Futtehpore, for the reasons stated in the correspondence noted marginally,* was succeeded in his office by Kazee Yar Alee Khan, on the 27th July, 1844. The business dispatched in this Court comprehended the disposal of 303† regular suits, of which 130 were original, and 173 appeals, [275 having been determined on trial] and, in the miscellaneous department, of 428 cases under the first 14 Headings of Statement No. 2, of which 242 were decided after investigation of the merits, besides the enunciation of 753 orders on the matters, to which the remaining Headings of the same statements have reference, and, when December ended, the aspect of business was in every respect favorable, whether the amount of disposable arrear, or its condition be regarded: as shewn above, the two regular suits, instituted prior to the commencement of 1844, were disposed of early in this year, and two applications for execution of Decree, of the same nature in regard to their duration, awaited the sale of property under attachment, and, as far as the judicial tribunals are concerned, were complete. A comparison, however, of the results of these operations with those, represented by the returns of the antecedent annual period, presents one remarkable feature, for while in the latter 173 decrees were fully enforced, the number completely satisfied in the former does not exceed 87, as many as 175 applications having been struck off without even partial execution of the judicial award; this remarkable difference, it is presumed, may be attributable principally to default on the part of Decree-holders, on whom of course devolves very properly the protection of their own interests, but it is also inferrible from the fact stated, that prescribed rules have been more closely construed, and more rigidly applied, and if the immediate effect has been prejudicial to the executive efficiency of the Court, no blame can attach to the functionaries concerned, who have only abided by the instructions issued for their guidance: on the other hand, there is reason to hope, that Decree-holders, finding the penalties assigned to default rigidly enforced, will ultimately learn, that punctuality on their part is no less expected and required, than activity and accessibility on the part of the officers, presiding in the several judicial tribunals.

* Vide my letter, No. 1142, dated 19th June, 1844. Your reply, No. 2528, dated 5th July.

† By Moulvee Ghoolam Mahomed Moostuffa,.. 94
By Moulvee Mahomed Yoosuf Hussan Khan, 74
By Kazee Yar Alee Khan, ... 135
303

Note.—In the Criminal department, the services of these Officers were little availed of 23 Criminal trials having been disposed of by the Principal Sudder Ameen, and 2 by the Sudder Ameen before the abolition of that Office.

124. As regards the character and conduct of the Officers abovenamed, it may be thought sufficient to advert to former Reports, in which a favorable opinion of their judicial ability, and official merits has been expressed, and practically testified by the promotion of Moulvee Ghoolam Mahomed Moostuffa, and Kazee Yar Alee to the situations, which they now respectively hold; from the papers before the Court little can be gathered, on which to

found a deliberate estimate of the judgment, or care, applied by them during the past year to the investigation and adjudication of the suits, decided by them in the capacity of Principal Sudder Ameen, for, of the appeals instituted none came to a hearing before the close of the period, to which the Statement relates, and the Judge in his report has restricted his observations to the subject of the *present incumbent's* qualifications and merits. The trial of 10 appeals from the decisions of Mahomed Yoosuf Khan, Principal Sudder Ameen, resulted in the confirmation of the original judgment in 7 cases, which is as creditable, as the paucity of appeals instituted is indicative of the satisfaction, generally afforded to litigant parties by his decisions, while the judgment, evinced by Moulvee Ghoolam Mahomed Moostuffa in the inferior capacity of Sudder Ameen, is pretty favorably represented by the marginal* extract from the Appeal Statement, which shews, that of 49 decretal orders, that underwent revision in the Appellate Court, 33 or a proportion of 67⅓ per cent were suffered to stand unaltered: with the proceedings of this officer, the Court have not infrequently found occasion to be dissatisfied, on the ground, at times, of delays therein observable, and at others, of irregularities, and departures from recognized legal practice, which one, possessing the experience, and the ability, for which he has always received credit, should have been able to avoid, but some apology may be found in his recent advancement to the Principal Sudder Ameen's grade, and in the greater difficulty and complication of the matters, brought up for adjudication in that tribunal, and consideration is due to one, who has candidly acknowledged his errors, when pointed out, and has, not only, earnestly promised, but in some measure latterly made, amendment. Kazee Yar Alee is reported to have maintained during the period of his incumbency the high character, ascribed to him by his former official superior, Mr. Neave, and to have labored indefatigably and with good effect in the performance of his important duties.

* By Judge,..... 48 32 16
By P. S. Ameen, 1 1 0
49 33 16

Tried. *Confirmed.* *Reversed or Modified.*

125. In the Sudder Ameen's Court, which was abolished early in 1844, as mentioned in the 126th paragraph of the Court's last Report, 6 regular suits and 132 miscellaneous cases, including the complete execution of 7 Decrees, were disposed of by Moulvee Ghoolam Mahomed Moostuffa Khan, and the revised arrangement, consisting in the addition of a 4th Moonsiff, has been in operation during the entire period under review.

126. The quantity of business, both regular and miscellaneous, accomplished by the four Moonsiffs employed in this District, has been pronounced satisfactory by the Judge, from whose opinion the Court see no reason to differ: they determined on trial 1397† regular suits at an average of 349 to each Officer, and disposed of 1443 miscellaneous cases after investigation of the merits, comprising, in addition to 116 Decrees partially executed, the full enforcement of 426 others, and indicating, notwithstanding a small accession of arrear in the latter department, a measure of diligence and activity which must be considered worthy of commendation; all have exceeded the prescribed numerical standard‡ of annual decision, and have succeeded in exhibiting clear files, both in the regular and the miscellaneous branch of work, while Syud Bundeh Allee, the 2nd Moonsiff of Jounpore, has endeavoured to efface the somewhat unfavorable impression, both of his industry and carefulness, derivable from the 127th and 128th paragraphs of the Civil Report for 1843, by steady application and attention, as well as by a closer adherence to the provisions of Law, and a rectitude of conduct, which is said to have rendered him "very popular with all classes" of the community. While the expectations of improvement in this respect, entertained by the Court, have been fulfilled, and the industry of the Moonsiffs has advanced in a measure corresponding with the necessity for its exertion, greater care and discrimination at

† Of which exparte,.. .. 242
Ikbal Dawa, ... 210
452

‡ 300 per annum.

the same time would seem to have been brought into exercise in the investigation, and decision of their cases, as represented by the confirmation of the judgment, originally pronounced in 216 out of 304 cases, which were carried up to the Judge's Court in Appeal, and brought to decision, either in that tribunal, or in the Principal Sudder Ameen's Court during the period under review. The results, exhibited in the marginal* memorandum, which has been so prepared as to shew the proportion of each individual officer's decisions confirmed and reversed without reference to the jurisdiction, to which they severally apply, are the most favorable, as might be expected, to Kazee Zeeaoollah, who has more than once officiated in the superior office of Sudder Ameen, and has had the benefit of a more prolonged and extended experience than his brother Moonsiffs, but Syud Bundeh Alee is justly entitled to much credit for having attained to the second place in the classified list of officers of his grade; it is true, that the appeals, preferred to obtain reversal of his orders, have been more numerous, but so likewise, it may be remarked, have been his decisions, and to him the praise, due to zeal and ability, may be assigned without any disparagement to the merits of Moulvee Fuzloollah and Moulvee Morad Alee, who have been always admitted to possess a fair judicial character. It might have been unnecessary, but for the Judge's allusion to the subject in the 21st paragraph of his Report, to advert to certain correspondence, which passed during the expired year in regard to claims, more than once advanced by Kazee Zeeaoollah to promotion; that his services and character both for judicial ability and rectitude of conduct have been held to give him a title to advancement, is shewn by his appointment† in 1842 to be Sudder Ameen of Rohtuck, but he declined that appointment and by so doing forfeited the preferential claim, which otherwise he is acknowledged to possess; in practice the refusal to take a higher post, when offered, has always been regarded as tantamount to a relinquishment of promotion, and on this practice the Court have heretofore deemed it proper to act in regard to Zeeaoollah's repeated applications, notwithstanding the opinion, expressed in the letter marginally‡ cited, that in the particular instance referred to, the penalty should not be rigidly enforced; it is of course optional with the Government either to maintain or abandon the rule, but if the Court are permitted to offer an opinion on such a matter, they would beg leave strongly to recommend its observance, being satisfied that objections of the nature, urged by Kazee Zeeaoollah on the occasion adverted to, proceed rather from an aversion on the part of native officers to leave the vicinity of their homes, than from any praiseworthy or admissible motive. If the exigencies of the public service be made to yield to this propensity, natural and in itself harmless though it be, it is obvious that occasionally very great difficulty will be experienced in filling up vacancies, occurring at remote stations, such for instance as Goruckpore, which is shunned by all save those, whose local influence and connections afford the most cogent reasons for employing them elsewhere.

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Proportion of Reversals per cent to decisions.*
* Kazee Zeeaoollah,.....	57	48	9	15·4-5ths per cent.
Syud Bundeh Alee,.....	98	69	29	29½
Moulvee Morad Alee,.....	77	51	26	33·4-5ths.
Moulvee Fuzloollah,.....	72	48	24	33⅓
	(a) 304	216	88	nearly 29 per cent.
(a) By Judge,.....	145	118	27	18¾
By Principal Sudder Ameen,	159	98	61	38⅓
	304	216	88	

† Vide Mr. Secy. Hamilton's letter, No. 520, dated 24th March, 1842.

‡ Vide Mr. Secy. Hamilton's letter, No. 718, dated 23rd April, 1842.

127. In obedience to a Circular Order of the Court, published in the *Agra Government Gazette* of the 4th February, 1845, the Judge has in a supplementary letter reported, that the Record Department is in the same efficient condition, in which it was placed by Mr.

H. B. Harington, whose admirable system of arrangement, and successful introduction thereof, have received the commendation of the Court and Government.

128. The cost of the several Moonsiffs' establishments, together with the revenue realized by the sale of stamps papers, filed in each during the past year, is expressed in the marginal memorandum, which is unsatisfactory in shewing that the former is not counterbalanced by the latter.

	Cost.	*Stamp Revenue Realized.*
1st Moonsiff of Jounpore,.....	2280	1952 10
2nd Moonsiff of Jounpore,.....	1320	1002 4
Moonsiff of Muchleeshehur,.....	1680	1159 14
Moonsiff of Moofteegunje,.....	1680	1067 0
Rs.	6960	5181 12

129. As the fiscal divisions of the Jounpore District have not yet undergone revision, the adjustment of subordinate Civil jurisdictions in pursuance of the Government Resolution, dated 30th October, 1837, is still incomplete, and the Court have no means of forming a judgment as to the period, when this very desirable object may be expected to be accomplished.

MIRZAPORE.

130. Although the strength of the judicial agency in this District was impaired during the past year by the unavoidable vacation of the Principal Sudder Ameen's Court for 5½ months, consequent on the displacement of Pundit Beerbul for the reasons set forth in the 133rd paragraph of the last Annual Report, and by an interruption of 3½ months duration [from 23rd March to 6th July] in the incumbency of the Chunar Moonsifee, the unsatisfactory results, that might have been expected, have not ensued, nor have the Court aught but what is favorable to report of the administrative and executive operations during the period, which has just elapsed. A decrease, apparent in the number of suits instituted in the several Courts to the extent of 136, is counterbalanced by the fact, that 114 more cases were depending at the commencement of 1844, than at a corresponding period of the antecedent year, and it is creditable to the officers concerned, that, while the decisions on trial were equally numerous, the files at the close of the year exhibit a reduction of 29 suits in the pending arrear, as compared with their condition, when the preceding annual period came to a termination. It is no less satisfactory to remark, that this arrear included only 3 cases of longer duration than a twelvemonth, of which two had been remanded for re-trial by the Appellate Courts towards the close of the year, and afford no ground for impugning the industry of the functionaries, on whose files they appear, while the prolonged dependence of the third is found to have been caused, primarily, by the neglect of the late Principal Sudder Ameen, Pundit Beerbul, and secondarily, by the vacation of his Court from the 10th June to the 26th November; the aspect of business in the miscellaneous department is in this respect similarly favorable, for, though on the files of the Principal Sudder Ameen and the three Moonsiffs an inconsiderable accession of arrear is observable, one only of the several cases, awaiting a final order, was instituted at a date anterior to 1844, and its disposal was prevented by a circumstance beyond the control of the Mirzapoor Moonsiff, in whose Court it was depending.

JUDGE.	
Headings, Nos. 1 to 14,..	632
„ „ 15 to 17,..	1313
	1945

P. S. AMEEN.	
Headings, Nos. 1 to 14,..	422
„ „ 15 to 17,..	61
	483

131. With the exception of the first 15 days of January, when the charge of the current duties devolved upon the Principal Sudder Ameen, Mr. A. P. Currie presided in the Judge's Court throughout the year under report, and, devoting 53 days to Sessions and

Criminal duties, and 37 to the hearing of appeals from orders passed by the Moonsiffs, employed in the Family Domains of the Rajah of Benares, was enabled to hold sittings on the Civil side during 145,—or the 15 days of his absence being deducted—during 130 days only. The decision on trial of 200 appeals was as much as was permitted by the state of business on the regular file, which shewed only 17 cases awaiting a final order at the close of the year, and Mr. Currie's performances in the miscellaneous department, which comprised the investigation and determination of 377* miscellaneous cases under Headings 1 to 14 of Statement No. 2, and the disposal of 1297 matters referrible to the three remaining Sections of the same Statement, left but 50 cases of every description for future decision—a result, which, contrasts favorably with that accomplished in 1843, when the depending arrear consisted of 147 cases. It will be observed that the anticipations, expressed by Mr. Currie, regarding the operation of the Government Resolution, dated 6th April, 1843, have been realized, and that the duties, formerly devolving on the Superintendent of the Rajah's Family Domains, occupied no less than 37 days,—time, which could be ill spared, were not the legitimate business of this judgeship opportunely light. No use was made during the past year of the auxiliary agency permitted by Regulation VI. of 1832, less apparently from the Judge's failure to recognize the usefulness of the Law, than from the reluctance of persons to assume the office of arbitrator or assessor, on the grounds of the loss of time [which is uncompensated] and the supposed invidiousness involved in the duty. The Court heard 7 special appeals from orders passed by Mr. Currie, all of which without exception terminated in the cases, to which they referred, being sent back by remand for re-trial and restoration to their original number on the file.

* Including Petitions from Paupers,..... 45
Including Petitions for Appeal under Regn. VII. of 1825,..... 88
Including Petitions for Summary Appeal,.. 25
Including Decrees completely and partly executed,..... 86

132. As indicated in the preceding paragraphs, the Principal Sudder Ameen's Court was in operation for only 7½ months of the past year—from January until the 10th June, under the administration of Pundit Beerbul, and from the 27th November until the end of December, under charge of Mr. James Campier, who owed his selection for this particular office to the character for carefulness, respectability, and independence of judgment, which by a long course of honorable service in the Judicial department he has established. The Civil business transacted in this Court comprised the decision on trial of 112† regular suits, all original, and the determination, after investigation of the merits, of 292 miscellaneous cases, 243‡ of that number having reference to the matters comprehended under the first 14 Headings of Statement No. 2, and comprising the complete enforcement of 58, and partial execution of 69 Decrees; that the work, in regard to quantity, should fall short of that, brought to a completion in 1843, and that the arrear, awaiting future determination should likewise be in excess of that, represented in the last returns, was to be expected, but there is still room for congratulation, in that less than 100 regular suits were borne on the files when December closed, and that in the miscellaneous branch of business there was little, unsusceptible of early disposal. All the circumstances, connected with Pundit Beerbul's compulsory retirement from Judicial office, are before the Government in correspondence referred to by the Court in the 133rd paragraph of the last Annual Report, and since its submission the enquiries,§ set on foot to ascertain the grounds of his first selection for employment, and subsequent elevation to the highest and most respectable office in the department, have happily resulted in the assignment of pensionary support, to which the duration of his service gave him no title, but which it would have been a hardship, under the peculiar circumstances of his case, to withhold. The Judge "is satisfied, that Mr. Campier is in every way fitted, from his character and assiduity, for

† By Pundit Beerbul,..... 90
By Mr. Campier,..... 22
— 112

‡ By Pundit Beerbul,..... 201
By Mr. Campier,..... 42
— 243

§ My letter, No. 1264, dated 16th July, 1844.
Your reply, No. 3002, dated 8th August.

the appointment," to which he has been translated, and the Court have no doubt, that he will vindicate the correctness of this opinion, by the same pains-taking, conscientious discharge of his duties, for which he has been long deservedly distinguished; a review of his conduct during the past year, and of his general qualifications, will properly fall under that Section of this Report, which shall relate to the operations of the Civil Courts in the Benares District, while, as regards the pensioned Pundit it may be noted, that his judgment is unfavorably represented by the reversal of 16 out of 29 decisions, passed in his capacity of Principal Sudder Ameen, which were carried up in appeal to the Judge's Court; it is just at the same time to mention, notwithstanding his removal from judicial office, that a more satisfactory result attended the adjudication of 34 appeals from his orders, as Sudder Ameen, as shewn in the confirmation of 24, or a proportion of 70½ per cent on the whole number determined on the merits, and that in 7 regular appeals, heard by the Sudder Dewanny Adawlut, the Pundit's judgment met with confirmation in 3, and reversal in the like number, the remaining case being dismissed.

133. The inferior judicial agency in this District is composed of 3 Moonsiffs, of whom, it will be in the recollection of Government, one was subjected to the extreme penalty of dismissal early in the year under report, on account "of official misconduct, and disrepute, discovered since his employment to have previously attached to him;" notwithstanding this circumstance, and the interruption occasioned by a delay of 3½ months in the appointment and arrival of a successor, a satisfactory amount of business was dispatched, consisting in the determination, after trial, of 787* regular suits, and the disposal, after investigation of the merits, of 645 Miscellaneous cases, the complete fulfilment of 256, and the partial enforcement of 183 Decrees, being included in the latter item. Mr. McGowan, the Moonsiff of Mirzapore, alone exceeded the prescribed number of monthly† decisions, and at the same time dispatched a much larger amount of Miscellaneous business, than the other functionaries of the same grade, but on reference to the tabular Statements it is manifest that the failure of the latter in this respect proceeded rather from the insufficiency of work instituted, than from deficiency of proper zeal and industry, for, of the 266 cases, which composed the whole arrear in these Courts on the regular file, no less than 139, or more than half appertained to the Court of the Mirzapore Moonsiff, whose occupation also in the Miscellaneous branch was much more considerable, than that afforded by the same department in the Moonsifees of Chunar and Kuchwa. Whether the small establishment of three Moonsiffs, attached to this district, will admit of reduction, may best be determined simultaneously with the re-adjustment of subordinate Civil jurisdictions, which may be expected shortly to occupy the Judge's attention, unless difficulty be encountered in arranging the fiscal divisions of the District, on the prior completion of which the former undertaking is dependent.

* Of which exparte,..	97
Confession of judgment, ...	245
	342

† 25 per month or 300 per annum.

134. 137 Appeals from the decisions of the Moonsiffs were brought to a termination within the period under report, by the confirmation of the original judgment in 87, or in the proportion of 63½ per cent, as shewn in the marginal extract from the appeal statement, but it is difficult to reconcile these results, as they regard individual officers, with the estimation in which their judicial ability is held by their immediate superior, save by a supposition, that

	Tried.	*Confirmed.*	*Reversed.*	*Per cent of Reversals.*
Mr. McGowan, Mirzapore,..	65	43	22	34 per cent nearly.
Dabee Pershad, and Mr. Garland, Chunar ..	22	13	9	41 per cent nearly.
Mahomed Nuseer Kuchwa,..	50	31	19	38 per cent.
	137	87	50	

the manner, in which appeals terminate, is liable to various contingencies, and constitutes of itself an unsafe criterion of official qualification and merit. Although Mr. McGowan still maintains the superiority, whether the results of adjudicated appeals, or the proportion borne by contested to uncontested decisions be regarded, yet by this statement a considerable improvement would seem to be indicated in the quality of the judgments, pronounced by Mahomed Nuseer, Moonsiff of Kuchwa, who has been more than once declared to be deficient in a knowledge of the Regulations and Rules of Practice, by which his judicial proceedings and awards should be governed. This Officer has been, since the commencement of the present year, deprived of his judicial situation, until he shall be able to satisfy the Court of his fitness to occupy it by successfully passing through the examination, which candidates for the office of Moonsiff are required to undergo: being called upon in pursuance of the Court's recommendation [vide paragraph 135 of last Report] and with the concurrence of the Commissioner of the division, to appear before the Divisional Committee assembled at Benares in January last, he evaded the injunction, and subjected himself, under the tenth of the Rules dated 4th August, 1840, to the forfeiture of his appointment, which has been accordingly enforced, his past services not being considered of such a nature as to authorize the extension of indulgence; the Court, however, have intimated their readiness to restore him to office, as soon as he shall have conformed to the requirements of the orders above cited.

135. No other incident, which has occurred since the date of the last Report, calls for particular notice; it will be seen that the operations of the past year have been vigorously conducted and supervised by Mr. A. P. Currie, now permanently appointed to this charge, and that additional efficiency has been given to the local tribunals by the removal of Pundit Beerbul, the substitution of Mr. Campier, and the assignment of an active officer to the Chunar Court in the person of Mr. Garland, who is said to be "careful in his decisions" and to give promise of future judicial aptitude. The Judge, in reporting that the Record department is in good order, and that papers required "can be got at instantly," alludes in the 15th paragraph of his Report to the assortment of various papers, which still remains to be completed, and is expected to entail much labor: the Court, adverting to the great importance of bringing this business to a termination without delay, have suggested to Mr. Currie the employment of auxiliary agency for a specified period, or the destruction of old records, which may be useless and unprofitable, and have expressed their preference for the latter alternative, as the most economical and speedy measure. Mr. Currie's Report is in every other respect satisfactory.

136. A note is given in the margin, exhibiting the outlay actually incurred by Government in the maintenance of the three subordinate Courts during the past year, and the extent, to which that outlay has been countervailed by the revenue resulting from the sale of stamps filed in each tribunal; the excess of the former may be taken in some measure to indicate, that the judicial wants of the District are insufficient to require the maintenance of the present establishment.

	Cost.	*Stamp Revenue realized.*	
Moonsiff of Mirzapoor,....	2280	2218	
Moonsiff of Chunar,.....	1200	773	Vacant for 3½ months.
Moonsiff of Kuchwa, ...	1680	833	
Rs.	5160	3824	

BENARES.

137. The Administration of Civil Justice in Benares during the past year has been ably and successfully conducted by Mr. D. B. Morrieson, to whom much credit is due for

JUDGE.	
Headings, Nos. 1 to 14,.....	585
,, ,, 15 to 17,.....	4743
	5328

2 P. S. AMEENS.	
Headings, Nos. 1 to 14,.....	857
,, ,, 15 to 17,.....	902
	1759

the great improvement in the aspect of business, which the returns under examination exhibit, but more particularly for the reduction in the number of cases, older than a twelve-month, which has been effected by the commendable exertions of his subordinates, and the influence of his supervising direction. It affords unqualified satisfaction to the Court to report, that in the Courts of this district, the files of which at the close of 1842 exhibited the formidable arrear of 204 regular suits, and 115 applications for execution of Decree, which had been at that period depending more than a year, no more than 5 regular cases, similarly protracted in their duration, awaited decision, when the period under review came to a termination, while the arrear of the same description in the miscellaneous department was limited to 1 case of execution of Decree, the disposal of which was dependent on the completion of a sale in Behar, and the remittance of the proceeds. Of the regular suits, the distribution of which according to the year of their institution, and the Court, in which they were pending is given in the marginal memorandum,* one had been decided prior to the submission of the Annual Returns, and the remaining 4 were all remanded within the last 6 months of the year for re-trial, and the prolongation of their dependence is not considered by the Judge attributable to any want of diligence, or laxity of procedure, on the part of the Officers concerned. The Court's expectations, therefore, of benefit from Mr. D. B. Morrieson's administration have been fully realized, the files of the Benares Courts being now "as little incumbered with business of long-standing, as is found to be the case in the majority of Districts within the jurisdiction of this Court," nor is the good result of his supervision limited to the simple demolition of a discreditable and burdensome arrear, but extends likewise to the correction of supineness in the transaction of business, and the disappearance of those irregularities, which were commented on in the 138th paragraph of the Civil Report for 1843, as preventive of promptitude and efficiency in the discharge of judicial duty. While none of the impediments alluded to attracted the observation of the Judge, by whom the Statements of this District were periodically revised during the past year, occasion was found to commend the activity and diligence, evinced by the Native judicial functionaries, and to advert in terms of approbation to the progressive diminution of long-standing csaes, which is shewn in the following note :

* *Regular Suits.*

	1841,	1842,	1843,	Total.
Principal Sudder Ameen,.....	1	0	2	= 3
Addl. Principal Sudder Ameen,	0	1	0	= 1
Moonsiff of Subheepore,.....	0	0	1	= 1
				5

Miscellaneous Cases.

P. S. A., Execution of Decree, 1843,.....	1

	Regular Suits.	*Execution of Decree.*
March, ...	20	28
June, ...	17	7
September, ...	5	5
December,.....	5	1

an amount of arrear, which was said to be so inconsiderable as to deprive it of an objectionable and opprobious character. Mr. Morrieson has followed the very proper practice of subjecting the periodical Statements, and the explanatory details relative to long-standing cases, to a careful examination before submitting them for the Court's revision, and, in thus discharging his legitimate duty, has served to abridge the labor of the Court, and has contributed in a large measure to the production of the very gratifying results above noticed. It only remains to observe, in regard to the operations of the Benares Courts collectively, and the condition of the general file at the close of the past year, that, though an increase in the income of Civil suits is perceptible to the extent of 360, yet owing to a diminution of 392 in

the arrear depending at its commencement, as compared with a corresponding period of 1843, there were fewer cases by 32 for disposal before the Courts during the year under notice; and that, while the decisions on trial were more numerous by 323, there was a decrease of 195 in the number of suits disposed of otherwise than on trial, and a reduction of 160 in the amount of the depending arrear, as contrasted with that which awaited disposal at the end of 1843; the industry of the judicial agency employed would seem to have been fully adequate to the necessity for its exertion, and the general result obtained is in the opinion of the Court worthy of commendation.

138. The Court have a satisfactory duty to perform in reviewing the performances of the Officers presiding in the several tribunals of this jurisdiction. Mr. Morrieson, receiving charge of this Judgeship on the 2nd January, acted in that capacity uninterruptedly throughout the year and held sittings on the Civil side for 146 days, during which he brought to decision on trial 224 regular suits, all but one of which were appeals, and passed orders on the merits of 291 miscellaneous cases under the first 14 Headings of Statement No. 2, comprising 18 Petitions for review of Judgment, 55 applications for summary appeal, 35 Petitions from Paupers, 38 applications for execution of decree, and 58 cases of objections preferred in course of execution, an amount of work, which, added to the enunciation of numerous* orders under the three remaining headings of the same statement, to Mr. Morrieson's occupation for 83 days in Sessions and Criminal duties, and to his careful and effective supervision of the subordinate Courts, must be pronounced creditable; while the quantity of regular business dispatched exceeds that, which was brought to a termination in 1843, considerably, the falling off, apparent in the disposals under the miscellaneous branch of work, is attributable to no other cause, than a large diminution in the amount of business instituted, and the withdrawal of all applications for execution of Decree from the jurisdiction of the appellate Court under the operation of Act VI. of 1843. The agency, provided by Regulation VI. of 1832, was called into action in the adjudication of one case, in which, as it related to a mercantile transaction, the parties themselves were solicitous for the association of assessors, conversant with commercial custom and practice; there seems but little reason to expect the extension of the system in this jurisdiction. This may, perhaps, be the fittest place, in which to advert to Mr. Morrieson's remarks regarding the practice, which obtained previous to the period of his incumbency, of indiscriminately admitting all appeals preferred, and proceeding, without reference to the grounds of appeal, to summon the respondent: not only is such a practice calculated [as observed by the Judge] to promote groundless litigation, and to afford facilities for obstructing the execution of the judgments, pronounced by the Lower Courts, without the adduction of any sufficient reason for impugning their correctness, but it is, the Court have remarked, utterly opposed to the letter and spirit of the Law [Clause 3, Section 16, Regulation V. of 1831] and fatal to the very object, which its enactment was designed to accomplish; this erroneous and unwise practice was no sooner detected, than relinquished by Mr. Morrieson, and the statements accordingly exhibit 61 appeals disposed of without summoning the respondent. Neither in the Judge's report, nor in the statement, which accompanied it, is any mention made of the time, engrossed by the hearing and determination of appeals, brought to reverse the orders of the Moonsiffs employed in the Family Domains of the Rajah of Benares, an additional labor imposed upon the Judge of Benares by the order of Government dated 6th April, 1843, No. 1714.

* 4376.

139. No appeals from Mr Morrieson's decisions came before the Sudder Dewanny Adawlut.

140. Moulvee Mahomed Jumeelooddeen Khan, appointed Principal Sudder Ameen of Benares under the orders of Government, dated 21st October, 1843, joined on the 16th January, and entered upon the discharge of his duties under serious disadvantages, superin-

duced by the dependence of numerous old cases on the files of the Court, to the presidency of which he succeeded, by the heavy amount of Miscellaneous business, left by his inefficient and superannuated predecessor for future disposal, and by his own recent elevation to the superior Office, and the novelty of the duties and responsibilities appertaining to it. Overcoming these difficulties, he has acquired the good opinion of the Judge, and has vindicated the favorable testimony borne to his merits, by "his regular attendance at Office," "his general intelligence," "the propriety of his behaviour, and his anxiety to perform his duties well." The Tabular Statements afford satisfactory evidence of his zeal and industry, and his performances will be found in favorable contrast with the miserable deficiency of work dispatched during the year 1843, which was ascribed, in the 140th paragraph of the last Report, rather to the incapacity of Moulvee Ghoolam Yuhya, the former Principal Sudder Ameen of Benares, and the physical feebleness of Moulvee Hukeemooddeen, his successor, than to any culpable and avoidable want of application. In the Principal Sudder Ameen's Court during the past year, 242 regular suits [of which 162 were original and 80 appeals] were tried and decided, and 344 Miscellaneous cases and Petitions under headings 1 to 14 of Statement No. 2, including the full or partial execution of 186 decretal orders, were disposed of after investigation of the merits, the arrear in both departments having at the same time undergone very considerable reduction, and comprehending but few cases of longer standing than a twelvemonth, as noticed in a preceding paragraph. His decisions on trial are, it is true, numerically inadequate with reference to the prescribed standard, but it should be observed, that no more than 55 cases remained undetermined in his Court, when the year closed, and that the Moulvee was engaged for 40 days in the Sessions Court, with a view to the delivery of his Futwa as Law Officer in Criminal trials; to this functionary, therefore, may be fairly ascribed the praise, which is due to the reformation of a Court, well nigh reduced to a state of inefficiency by the incompetency of his predecessors and to the removal of that reproach, which attached to it during the period of their incumbency. As no appeals from the decisions of Moulvee Jumeelooddeen Khan were heard by the Judge during the year under report, no data are available for the formation of a definite opinion regarding his judicial ability, but the limited opportunities of observation, afforded to the Judge in the adjudication of Miscellaneous appeals led him to the conclusion, that the Principal Sudder Ameen is somewhat "hasty in his proceedings, which are consequently faulty at times, and much too rapid to give satisfaction" to the litigious, exacting community of Benares; this is an error, which prolonged experience will serve to correct, and which, it is hoped, will not be found long to characterize his judgments. The Appeal Statement does not call for particular notice, as respects those functionaries, who are now no longer in Office.

141. In recent correspondence* the reduction of the judicial establishments at Benares by the abolition of the Additional Principal Sudder Ameen's Court and the introduction of other subsidiary arrangements was proposed, the arguments advanced in support of that measure being the complete demolition of the arrear, which necessitated its institution, and the practicability of all the work, referrible to a Principal Sudder Ameen's Court, being promptly and efficiently dispatched by one officer of that grade; but the recommendation of the Court was overruled by Government, and the 2nd Principal Sudder Ameen directed to be retained as a supernumerary, until some other field for his employment might offer, when an opportunity would be afforded of separately considering the question of the Judicial establishments "on the footing, on which it might then stand." Mr. J. Campier presided in the Principal Sudder Ameen's Court from the 1st January until the 25th November, when he proceeded to Mirzapore, whither he was removed for the reasons stated in the correspondence† noted in the margin, under the orders of Government, dated 24th October, 1844, No. 4704. The work, dispatched in this Court,

* My letter, No. 281, dated 10th February, 1845.
Your reply, No. 915, dated 7th March.
My letter, No. 588, dated 28th Idem.
Your reply, No. 1526, dated 12th April.

† My letter, No. 1442, dated 23rd August, 1844.
Your reply, No. 3866, dated 2nd September.
My letter, No. 1582, dated 12th Idem.
Your reply, No. 4225, dated 25th Idem.
My letter, No. 1779, dated 8th October.

* Of these were decided by Dyaram Pundit, who joined his appointment, on the 16th December, ... 4

† Ditto Ditto,..... 22

comprehends the decision on trial of 147* regular suits, of which 97 were original, and 50 appeals, and the disposal, by an order on the merits, of 295† miscellaneous cases and petitions under the first 14 Headings of Statement No. 2, in which is included the complete or partial fulfilment of 129 decretal orders, and 97 cases of objections, preferred in course of execution, besides various orders passed on the matters, classified under the remaining Headings of the same Statement. Adverting to Mr. Campier's freedom from other demands on his attention, and the interruption, incidental thereto, the Court cannot but concur with Mr. Morrieson in deeming his performances inadequate, and repeat their conviction "that in Mr. Campier's method of business, there is something faulty, and needing correction." It is not denied, that there was but little room for the exhibition of industry in the regular department, on the files of which no more than 48 cases remained undecided at the close of 1844, or that credit is due for the disappearance of long-standing cases, but it is urged by the Judge, and with sufficient reason, that a measure of diligence, commensurate either with the need for its exertion, or with the leisure presumably resulting from the insignificant amount of regular business instituted, has not been devoted to miscellaneous duties, and in evidence of this assertion it is too truly argued, that a very large accession to the number of cases, depending at the close of 1844, as contrasted with the state of the miscellaneous file at its commencement, is perceptible; the arrear is in fact more than double under the fourteen important Headings of Statement No. 2, and to what this can be reasonably ascribed, except a want of application, or a defective method of conducting business, the Court cannot conjecture. It is with real regret, that the Court feel it incumbent upon them to notice this deficiency, in whatever originating, on the part of an officer, whose zealous and meritorious services during the period of his past career have entitled him to the commendation and approval of the Court, and whose integrity of character and conduct are recommendations, that cannot be too highly appreciated. In the margin will be seen the mode, in which the appeals from the decisions of Mr. Campier, and Kazee Yar Alee, who officiated for him towards the close of 1843, in their capacity of Principal Sudder Ameen and Sudder Ameen, were decided by the Judge, and the result is equally unfavorable to both these functionaries; there would seem to be some defect in Mr. Campier's mental constitution, to which the imperfection of his judgment must be attributed, for there is no reason to question the labor and carefulness bestowed by him on the investigation of the cases, referred to his Court for adjudication.

	Tried.	*Confirmed.*	*Reversed or Modified.*
Kazee Yar Alee Khan,....	7	2	5
Mr. J. Campier,.....	33	19	14
	40	21	19

142. In 4 appeals [3 Regular and 1 Special] brought before the Court to obtain reversal of decisions passed by Moulvee Mahomed Jumeelooddeen Khan, his judgment was in 2 allowed to remain unaltered, and in 2 reversed, while of 8 orders passed by Mr. J. Campier, Additional Principal Sudder Ameen, which were brought before the Court in Regular or Special Appeal, 3 were upheld, 1 reversed, 2 cases were remanded, and the other 2 were, the one dismissed, and the other adjusted. Allusion to the result, which attended appeals preferred from the judgments of functionaries now no longer in office, may be dispensed with.

143. The five Moonsiffs' Courts, which compose the inferior judicial agency of Benares, were in full and effective operation during the period under report, uninterrupted by changes of incumbency or other disturbing influences, save the ordinary adjournments, necessitated by a regard to the religious or conventional prejudices of the people, and favorable testimony is borne to the industrious exertions of the officers presiding in them by the

Judge's report and the statements which accompanied it. These Officers collectively decided on trial 1647 regular suits, [of which 389 were tried exparte, and 214 were disposed of on confession of judgment,] at an average of 329½ to each officer, and passed orders on the merits of 1738 miscellaneous cases, in which is comprised the complete execution of 517 decrees and the partial enforcement of 222 other adjudicated claims: the failure of Kazee Furzund Alee, and Hussun Ruza, the Moonsiffs of Moghul Serai, and Subheepore, to attain to the prescribed minimum,* affords no ground for imputations, unfavorable to their diligence, inasmuch as their files were by no means heavy, and the cases depending at the close of the year were few, while of Doobey Joala Pershad and Banee Loll, the Moonsiffs of Jugutgunje and Chandnee Chouk, who largely exceeded that standard, it may be sufficient to say, that their exertions have been equal to the demands upon them. In the income of Civil business, as respects these tribunals, considerable inequality is apparent, which, it is hoped, may be corrected, as soon as the completion and approval of arrangements, in regard to fiscal boundaries, may enable the Judge to enter upon a readjustment of the subordinate Civil jurisdictions. Mr. Morrieson has subjected the several Register Books of the Moonsiffs' Courts to a strict examination, and has taken steps for the amendment of the numerous errors and defects more or less observable in all, save those of the Juggutgunje Court, justly attaching much importance to their correct preparation and maintenance; the unsatisfactory condition of these books in the office of the Mendooa Deeh Moonsiff have been pronounced by the Court, in concurrence with the Judge, highly discreditable to that functionary, Inayet Hoosein by name, who has been threatened with summary displacement, should a repetition of the carelessness discovered be apparent, and the Judge has been for precaution's sake instructed to subject his registers to a careful scrutiny, and to report, after the lapse of a suitable period, upon the condition in which he may find them.

* 300 per annum or 25 per mensem.

144. As noted in the 144th paragraph of the Civil Report for 1843, the result of appeals from the decisions of these Officers yielded a proportion of 43 per cent of reversals on the whole number brought to decision, and was thought to betray defectiveness of judgment: the application of a similar test to the operations of the past year leads to the conclusion, that greater care has been bestowed upon the investigation, and a better discrimination exercised in the determination, of regular cases during the past year, for of 281 appeals adjudicated† by the Judge and 2 Principal Sudder Ameens, no reason was found for interfering with the original judgment in 183 cases, or 65⅛ per cent, which contrasts favorably with that observed in 1843. Of their judicial ability, individually, a fair estimate may be formed from a reference to the marginal‡ table, in connection with the detailed observations on the character and qualifications of each, with which Mr. Morrieson has favored the Court, and while the superiority in every respect must be assigned to Doobey Joala Pershaud, it is due to Kazee Furzund Alee, the Moonsiff of Moghul Serai, who was somewhat unfavorably noticed in the last Report, to state, that in his jurisdiction the population is rather rural than commercial, and the suits consequently more difficult and complicated, and to add, that, though in natural ability infe-

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Per Centage of Reversals.*
† By Judge,	151	103	48	31-4-5th
By Princl. Sudder Ameen,	80	48	32	40
By Addl. P. S. Ameen,	50	32	18	36
	281	183	98	65⅛

	Tried.	*Confirmed.*	*Reversed or Modified.*
‡ Doobey Joala Pershaud, Moonsiff of Juggutgunje,	30	27	3
Banee Loll, Moonsiff of Chandnee Chouk, ...	73	43	30
Kazee Furzund Alee, Moonsiff of Moghul Serai, ..	44	24	20
Hussun Reeza, Moonsiff of Subheepoor, ...	67	39	28
Inayet Hoosein, Moonsiff of Mendooa Deeh, ...	67	50	17

rior to Doobey Joala Pershaud and Banee Loll, he is a man of better family and education and higher respectability, and that he is held in higher estimation by his own countrymen; his deafness* has not been considered a bar to his retention of judicial office, the Judge having, in answer to the Court's enquiries, certified that this organic defect, under which Furzund Alee has labored for many years, "is not of so serious a nature, as to incapacitate him for efficiently discharging the duties" of his station; the Court thought that it would be a harsh measure to enforce the retirement of an officer, who, notwithstanding this unfortunate imperfection, has given satisfaction to those most interested in his proceedings, and the Judge reports, that the relinquishment of the Court's expressed intention was "received with much satisfaction:" With reference to the 16th paragraph of the Judge's Report, in which allusion is made to Banee Loll's position, as a resident of Benares, the Court, without intending to imply any suspicion of his integrity [for which they have no grounds whatever] have determined to take an early opportunity of removing him from his present situation, which certainly exposes him to strong temptations, and to the liability of unmerited imputations against his character and conduct, but they anticipate some difficulty in effecting their purpose in such a manner, as shall not be prejudicial to his prospects of advancement. Although the decisions of Inayat Hoosein, the Moonsiff of Mendooa Deeh, have been upheld in a large proportion of the cases, which came under revision in appeal, yet Mr. Morrieson, while admitting this favorable result, has formed, for reasons, which the Court cannot pronounce insufficient, a low opinion of his official merit: the disorder, in which his Register Books were found, has been antecedently noticed, and to this are to be added the large proportion borne by appeals instituted to the number of his decisions in contested suits, and other defects, alluded to in the 25th paragraph of the Judge's Report, which need not be detailed in this place.

* Vide paragraph 144, Civil Report for 1843.

145. The marginal memorandum exhibits the outlay incurred by Government in the maintenance of the Moonsiffs' Courts and the extent, to which it is counterbalanced by the revenue realized from the sale of stamps filed, and is so far unsatisfactory, that it shews a considerable excess of expenditure over income. In the 33rd paragraph of his Report, Mr. Morrieson alludes to the complaints received by him regarding the insufficiency of the allowance, made to the Moonsiffs for contingent expenses and ministerial establishments, and asserts that "several of the Moonsiffs pay out of their own salaries to make up the deficiency and to maintain their credit"—this question has been touched upon in other parts of this Report, and the occasions, on which the Court have thought it their duty to urge its consideration on Government have been specified, but the fact alleged by Mr. Morrieson cannot be suffered to pass unnoticed, the more so as there is good ground to presume, that the practice alluded to is not confined to the jurisdiction of Benares. If the fact be correctly stated [and the Court cannot doubt it] it becomes an unavoidable obligation on the Government to provide a sufficient remedy, and to prevent so discreditable an imputation on the Government, as the tacit permission of the practice mentioned might be considered to involve. The Judge expresses his belief, that the arrangement of the records of this Court, for which pecuniary assistance has been granted† by Government, will have been so far completed before the date of his next Annual Report, as to enable him to certify, that no difficulty whatever is found in the production of required papers; some progress has been already made, but impediments unprovided for have been encountered, and the work is one, needing time and patient labor for its accomplishment; the Court have the utmost confidence in Mr.

	Cost.	*Stamp Revenue realized.*	
Moonsiff of Juggutgunje,.....	1680	1118	2
Moonsiff of Chandnee Chowk,.....	1680	1780	0
Moonsiff of Mogul Serai,.....	2280	985	2
Moonaiff of Subheepoor,.....	1680	1414	4
Moonsiff of Mendooa Deeh,.....	1680	819	4
	9000	6116	12

† Vide paragraph 146, Civil Report for 1843.

Morrieson's endeavors to bring this adjustment to a completion with the least practicable delay.

GHAZEEPORE.

146. Mr. A. C. Heyland, who held the office of Judge throughout the year, with reason congratulates himself on the results, which his report and the statements, that accompanied it, exhibit, and justly anticipates that the zeal and diligence, manifested by all the judicial authorities during the past year, will be thought worthy of commendation. With a decrease of 113 suits in the number under trial, as compared with the antecedent annual period, the decisions after trial were more numerous by 168, and the number of cases pending, when the year closed, fewer by 160 than at the end of 1843; nearly all the latter were of recent institution, 2 only having exceeded a period of 12 months in their duration, of which 1 [an original suit] had been remanded to the Principal Sudder Ameen's Court for retrial so late as the 18th December, and the other, an appeal before the Judge, awaited the determination of a case, turning on the same point, which was depending in the Sudder Dewanny Adawlut. It is, moreover, satisfactory to remark, as indicative of the efficiency of Mr. Heyland's control, and the creditable dispatch, with which business is disposed of in the judicial tribunals of Ghazeepore, that of the whole arrear on the general file, consisting of 825* cases, all had been instituted within the last 6 months of the period under review, with exception of the 2 above specified, and 48 others, which had been under investigation, 3 for more than 8, and the remaining 45 for less than 8, and more than 6 months, nor was the aspect of business in the department of execution of Decrees, which is justly regarded as little inferior in importance to the regular branch of work, less commendable, for, while testimony is borne to the industry of the several officers concerned, by a reduction in the number of depending cases to the extent of 307, as contrasted with that awaiting a final order at the commencement of the past year, the regularity and order, with which their proceedings have been conducted, is shewn by the absence of cases older than a twelvemonth, and, more clearly, by the very recent institution of the remaining applications for enforcement of Decree, 3 only having been on the file for more than 6 months anterior to the termination of the year under report. It has fallen to the lot of the Judge of this Court, by whom the Statements of this District have been periodically revised, to notice in terms of encouragement and praise the efficacy of Mr. Heyland's supervision, and the zealous industry of his subordinates, and it is with much gratification, that the Court at large find themselves able to express their unqualified concurrence in the sentiments of their colleague, and to ascribe to Mr. Heyland the credit, that is due for his successful endeavors to improve, and expedite, the administration of Civil Justice in the District under his controul.

JUDGE.	
Headings, Nos. 1 to 14,..	420
,, ,, 15 to 17,..	4272
	4692

P. S. AMEEN.	
Headings, Nos. 1 to 14, ..	409
,, ,, 15 to 17, ..	437
	846

		Older than 12 months.	*Older than 8 months.*	*Older than 6 months.*
* Judge and P. S. Ameen, ...	354	2	3	43
Sudder Ameen and Moonsiffs..	471	0	0	2
	825	2	3	45

147. The Judge sat 198† days on the Civil side, trying and deciding 417 regular suits, of which all but 1 were appeals, the assistance of the Principal Sudder Ameen having been also largely availed of in the latter description of business without detriment to his activity in the miscellaneous department: in 8 appeals Mr.

† On 37 days included herein, the Judge was occupied both with Criminal and with Civil duties.

Heyland resorted to the aid permitted by Regulation VI. of 1832, abiding by the verdict of the agency employed in all but one case, but at the same time expressing his opinion of the hostility of respectable natives to such employment, as evidenced by the difficulty experienced in procuring the attendance of persons unsuspected of bias, and questioning the utility of their advice and co-operation in the adjudication of appeals; with a view to the more general introduction of the Law into active operation, Mr. Heyland proposes in the 11th paragraph of his report, that the powers, entrusted to the zillah Judges by the Regulation cited, should be extended to the Principal Sudder Ameen, who, having ordinarily the trial of original suits of large value, might be enabled to bring them into exercise with much advantage; on this point, the opinions of the Court are divided, the majority contending that the difficulties and national peculiarities, which have been repeatedly noticed as opposed to the general diffusion of the system, and adverse to the success of the endeavors made by the Civil Judges to accomplish that object, would exercise an equally powerful influence, and similarly prevent the successful issue of the Principal Sudder Ameen's efforts, while Mr. Davidson maintains, that the Law has not had a fair trial, that the innovation, suggested by Mr. Heyland, would constitute an excellent test of its utility and that, until the application of the Law be confided to the hands of the Native Judges, the real extent and degree of the benefits, which agency of the kind provided by the enactment in question may be capable of producing, is not likely to be brought into existence. In addition to the performances in the regular department above mentioned, the Judge likewise passed orders on the merits of 344 miscellaneous cases, comprising the various important matters particularized in the margin,* and many more [4272] under the three last Headings of Statement No. 2, thereby vindicating his title to as much praise for personal assiduity, as his able superintendence of the subordinate Courts, apparent in the improved state of general business, has on more than one occasion elicited. Sessions and Criminal duties occupied only 45 days. 3 Regular and 2 special Appeals, heard by the Sudder Dewanny Adawlut from this Court, terminated in Mr. Heyland's judgment being confirmed in one case, and reversed in the like number, the 3 remaining cases having been sent back by remand.

* Petitions for Review of Judgment, ... 8
Petitions for Summary Appeals, ... 16
Petitions for Appeals under Reg. VII. of 1825, ... 102
Petitions from Paupers, ... 22
Petitions from Insolvents, ... 23
Petitions for redemption and foreclosure of mortgage, 36
Decrees completely executed, ... 80

148. The operations of Moulvee Mahomed Zoohoor, the Principal Sudder Ameen of this District, are creditably represented by the determination on trial of 354 regular cases, of which 179 were original suits, and 175 appeals from the decisions of the Sudder Ameen and Moonsiffs, and the disposal, after investigation of the merits, of 635 miscellaneous cases, comprising the complete fulfilment of 80 decrees, and the adjudication of 118 cases under the 1st, 7th, 11th, 12th and 13th Headings of the Statement, allotted to the exhibition of that description of work; his services were hardly called in requisition by the Magistrate. It is almost needless, after the foregoing summary of the Principal Sudder Ameen's performances, to repeat, that he continues to command the favorable opinion of his superior and of the Court, by his zeal and unwearied diligence, not less than by the application of much judicial ability and experience to the responsible duties of his station, and that the character for integrity, which he has long been admitted to possess, remains unimpeached: the proceedings of this officer, so far as they have fallen under the observation of the Court, are conducted with much care and regularity, and the inference, hence deducible, is fully corroborated by the insignificance of the arrear, of longer standing than a twelvemonth, in his Court, and by the generally satisfactory result of his operations. In regard to the judicial merits of his decisions, it is to be remarked, that the indications of the Appeal Statement are less creditable, than usual, but the Court are reluctant to found upon this questionable criterion any imputations of defective investigation or hasty judgment, preferring rather to give its full weight to the character,

which Mahomed Zoohoor has established, and to attribute the inferior results, observable, rather to incidental causes, than to any radical defect, unsusceptible of correction. 73 regular appeals from judgments passed by him as Principal Sudder Ameen and Sudder Ameen, were adjudicated by the Judge during the past year, and in 43 of that number no reason was found to justify the reversal or modification of the original decision, the proportion of orders, confirmed, to the aggregate number, tried on their merits in the Appellate Court, being nearly 59 per cent, whereas in the year last reported on, this officer's decisions were upheld in the proportion of 70 per cent to the whole number of appeals adjudicated. Of 25 appeals [24 regular and 1 special] heard and determined by the Sudder Dewanny Adawlut during the past year, 13 terminated in the confirmation of the Moulvee's order, while 7 decisions underwent modification and 2 reversal, and the 3 remaining cases were remanded for restoration to their original number on the file, and retrial on the merits.

149. The subordinate judicial establishment, modified, as described in the 150th paragraph of the last Annual Report, by the junction of the offices of Sudder Ameen and Moonsiff in the person of Mr. Kirk, and by the revision of his jurisdiction in the latter capacity, has been in operation during the whole of the past year, and has fully answered the expectations of the Court: Mr. Kirk, on whom the newly created office was conferred in acknowledgment of his services, and official merit, receives the commendation of the Judge for his "attention, zeal and activity in the discharge of his duties," and likewise gets credit for "much ability" and a "thorough acquaintance with the laws and rules of practice." In his capacity of Sudder Ameen, Mr. Kirk brought to decision, after investigation and trial, 130 original suits, and passed orders on the merits of 1828 miscellaneous cases, comprising 234 decrees fully, and 35 others, partially executed, to which in estimating his individual exertions, the business, transacted by him as Moonsiff of Ghazeepore, must be superadded: in this was comprised the decision on trial of 397 regular suits, of which 102 were disposed of exparte and 76 on confession of judgment, and the determination, either by order on merits or otherwise, of 547 miscellaneous Petitions, inclusive of the full or partial enforcement of 263 decretal orders. The Judge's estimate of this man's judicial capacity, and acquirements, seems to receive corroboration from the Appeal Statement, which shews that, while 17 out of 27 decisions, passed by him in the capacity of Sudder Ameen, were upheld in appeal, after trial on the merits, the like fate befel 61 out of 100 judgments, pronounced by him as Moonsiff of Ghazeepore, and leaves the Court little room to doubt his fitness for the superior office, to which he was promoted towards the close of the year, preceding that, to which this Report relates. It should be noted, however, that the proportion, borne by appeals instituted to the number of cases decided on trial during the year under report, is very considerable, and will appear still more so, if from the latter item the cases, disposed of exparte and on confession of judgment, be deducted, as shewn in the marginal memorandum: whether this result be indicative of any general dissatisfaction, felt by the litigant community at large, or be attributable to the litigiousness, for which the inhabitants of the Benares Province are somewhat remarkable, it may perhaps be considered foreign to the object of this report to enquire.

	Number of cases decided on trial.	*Deduct exparte and confession of judgment.*		*Appeals instituted within the year.*	*Proportion per cent.*
As Sudder Ameen,.....	130	54	= 76	51	67·1-9 per cent.
As Moonsiff,.....	397	178	= 215	102	47½ per cent.

150. Mr. Kirk included, there are 5 Moonsiffs employed in this District, located, under a re-adjustment of their jurisdictions, which took place simultaneously with the institution of the Sudder Ameen's Court, at Ghazeepore, Seydpore, Mahomedabad, Purharbaree, Bullea and Rusreh. The performances of these officers, whether collectively or individually considered, betoken much industry, well directed and superintended by the Judge, their

	Decided on trial.	Of which Exparte.	Of which Confession of Judgment.
* Mr. Kirk, Moonsiff of Ghazeepore, ..	397	102	76
Abdool Azeez and Bisheshurdial, .. Mahomedabad, Purhurbaree, ..	431	118	64
Sheikh Ahmed Alee, of Seydpore, ...	349	69	80
Abdool Rehman, of Bulleah, ...	467	91	50
Syud Ahmed Alee, of Rusrah, ...	451	112	114
	2095	492	384

their decisions on trial, as noted in the margin,* much exceeding, on a general average of the whole, the prescribed minimum of 300, and their files, when the year closed, exhibiting a reduction in the quantity of the arrear, as well as an improvement in its character and condition, as may be seen by a comparison of the details given in a preceding paragraph with the status represented in the 147th paragraph of the Court's Report for 1843. The aggregate of decisions on trial, which, it will be observed, exceed in number those of 1843, yields the high average of 419 to each Officer, which, added to the disposal of 2720 miscellaneous cases of all descriptions, comprising the full execution of 879, and partial settlement of 268 decreed claims, constitutes an amount of work, that may be pronounced highly praiseworthy; it is at the same time worthy of remark, that the proportion of regular cases decreed exparte and on confession of judgment, which was commented on in the last Report as being excessive and standing in need of explanation, has, during the expired year, undergone much reduction, and that Syud Ahmed Alee, the Moonsiff of Rusrah, whose proceedings were characterized by the Judge as faulty and careless, has retrieved his character by exhibiting a marked and decided improvement in the manner of conducting business, and shewing files, free from the encumbrance of old cases, the prolonged dependence of which was in the year 1843 ascribed to the Moonsiff's neglect in preparing them for adjudication.

151. Excluding appeals, brought to obtain reversal of Mr. Kirk's decisions as Moonsiff of Ghazeepore, there were 349 appeals heard and adjudicated from the judgments of the subordinate Courts, which were upheld in 224 cases, or in the proportion of 64¼ per cent, which, though it cannot be regarded as a favorable result, is still an improvement upon that exhibited in the Returns for 1843; the marginal† memorandum, which represents the issue, as it regards the decisions of individual officers, reflects credit on Abdool Azeez, who was selected for promotion to the office of Sudder Ameen at Goruckpore‡ towards the close of the past year, and to Syud Ahmed Alee, the Moonsiff of Rusrah, who gave much cause to the Judge to be dissatisfied both with his indolence and want of discrimination, during the year 1843, facts, which rather add to, than detract from, the merit of the amelioration apparent in every respect. A vacancy in the higher grade of officers of this denomination, occasioned by the advancement of Abdool Azeez, was not conferred upon any of the Moonsiffs of this district, as, with the exception of Sheikh Ahmed Alee, who already enjoys the higher rate of salary, they were all found on enquiry to be comparatively young in judicial service, and to have acquired no title to the distinction, which the reception of superior emoluments implies; the Court regarded this as a legitimate reason for departing from the principle, which has been heretofore observed, as far as practicable, and which has confined this species of promotion to the district, in which the vacancy may have arisen, and recommended§ to Government that the superior allowances should be

	Tried.	Confirmed.	Reversed.	Per Cent of Reversals.
† Abdool Azeez, of Mahomedabad.	66	48	18	27¼
Sheikh Ahmed Alee, of Seydpoor,	61	39	22	36
Abdoolrehman, of Bulleah, ...	168	95	73	43½
Syud Ahmed Alee, of Rusrah, ..	54	42	12	22¼
(a)	349	224	125	
(a) By Judge, ...	251	170	81	
By P. S. Ameen, ..	98	54	44	

‡ Vide my letter, No. 1480, dated 26th August, 1844. Your reply, No. 3948, dated 7th September, 1844.

§ Vide my letter, No. 1879, dated 25th October, 1844. Your reply, No. 5096, dated 21st November, 1844.

bestowed on Momun Alee, whose official merits and qualifications were considered to be of a higher order, and whose advancement had been retarded only by there being no vacancy in the District, to which he was, and still remains, attached.

152. In respect of transactions during the past year connected with the subordinate Courts of first instance, it is only necessary further to add, that the re-adjustment of their respective jurisdictions, enjoined by the Resolution of Government, dated 30th October, 1837, and reiterated in the Court's Circular Order of May, 1844, has been satisfactorily accomplished, as reported in my letter to your address, No. 2214, dated 30th December last, by the location of the several Courts at the sites of Tehseeldaree Kucherrees, by the assimilation, as close as practicable, of the judicial to the fiscal divisions of the District, and by as near an approximation to equal distribution of labor, as the contingencies, on which it is dependent, will permit; the only improvement on the arrangements, effected in 1843, as alluded to in the 151st paragraph of the Report of that year, which subsequent consideration suggested to the local authorities, consisted in the transference of Thanah Bansdeh from the jurisdiction of the Rusrah to that of the Bulleah Moonsifee, and being sanctioned by the Court and reported to Government in my letter, No. 113, dated 20th January last, was approved.* It may likewise be satisfactory to the Government to know, that the aggregate cost, incurred in the maintenance of the five subordinate Courts, is more than compensated by the revenue realized from the sale of stampt papers, required by suitors for the prosecution of their claims in those tribunals, as shewn by the memorandum entered in the margin.†

* Vide Mr. Shakespear's letter, No. 725, dated 22nd February, 1845.

	Cost.	*Amount realized.*	*Refund.*	*Net.*
† S. Ameen, and Moonsiff of Ghazeepore,	3960 0	8082 4	460 4	7622 0
Moonsiff of Mahomedabad, ...	2060 0	2779 4	13 0	2766 4
Moonsiff of Syedpoor, ...	2144 8	1689 4	119 0	1570 4
Moonsiff of Bulleah, ...	1680 0	2529 0	144 12	2384 4
Moonsiff of Rusrah, ...	1680 0	2393 2	93 0	2300 2
	11524 8	17472 14	830 0	16642 14

Net difference in favor of Government being Rupees, 5118 6

153. In connection with the practical operation of the Rules appended to the Court's Circular Order, No. 208, dated 24th June, 1842, Mr. Heyland, while admitting their utility, and their beneficial effect, has brought to notice a serious obstacle in the difficulty encountered by all parties in the obtainment of copies of the revenue records from the Collector's Office, and occasioned as much by the high rate of remuneration demanded by the copyists, as by the unwillingness of the Collector to allow parts of the record to be excerpted, on the ground that it is taken and exhibited in Court by one or other party as proof, though superseded by subsequent proceedings, and actually opposed to the terms of the definitive settlement: as regards the first point, there is every reason to hope that a remedy may be promptly applied, the magnitude of the evil having attracted the notice of Government, and called forth an injunction‡ to the Commissioner for its removal or alleviation, and in respect of the latter the Judge is in correspondence with the Commissioner, and may, it is hoped, succeed in overcoming the Collector's objections, which, the Court cannot but think, it is no part of his duty to advance; he is not in the opinion of the Court justified in withholding copies of such papers, as suitors may require, for reasons which must be regarded as totally insufficient, if the relative position of the Revenue and Judicial authorities be considered; the latter may be left to form their judgment from the proofs, oral and documentary, exhibited in Court, and may dispense with the precautional measures, adopted by the Collector of Ghazeepore in order, it is presumed, to prevent the production of papers, which may be calculated to mislead that judgment. It was apprehended by the Court on a first perusal of the Judge's Report, that much of the difficulty and inexperience noticed had pro-

‡ Vide your letter, to Secretary Sudder Board of Revenue, No. 952, dated 10th March, 1845, received with your letter, No. 951, dated 10th Idem.

ceeded from a disregard of the imperative provisions of Section 31, Regulation VII. of 1822, and Section 19, Regulation VIII. of 1831, but the expression of this conjecture has called forth from Mr. Heyland an assurance, that those requirements are carefully "observed by the various Courts of this District," and it now rests with the Revenue authorities, and the Government to remove this obstacle to the practcal and beneficial operation of the Circular Order above cited, which the Court have endeavoured to the best of their ability to promote, by dispensing with the precaution prescribed by the 13th paragraph.

Vide my letter, No. 264, dated 10th Feby. 1845. Your reply, No. 951, dated 10th March, and Circular Order, No. 514, dated 15th March, and published in *Gazette* of 8th April last.

154. On the 10th paragraph of Mr. Heyland's Report, and the second of a subsequent letter No. 48 dated 28th March last, the Court have founded a Circular* letter, which they anticipate, will have the effect of obviating the delays and irregularities, too frequently observable in the proceedings of the Ameens, engaged in the attachment of property, the conduct of Sales, and the prosecution of local enquiries and other miscellaneous matters, and thus expediting the transaction of business generally, as well as the execution of decretal orders, in which their services are more frequently called into action; the Court, in their periodical reviewal of Statements from the Zillah Courts, have frequently found delay in the disposal of applications for execution of Decrees, attributable to the carelessness or ignorance of the functionaries mentioned, and there is good ground to expect that a periodical report of the nature now prescribed, and subjected from time to time to careful revision by the Judge, will afford facilities for the prevention of the one, and the correction of the other, defect. In a letter† to the Calcutta Court, copy of which is appended [E], the Court have expressed their concurrence in the propriety, [suggested by Mr. Heyland, in the 13th paragraph of his Report] of modifying Clauses 1 and 2, Section 31, Regulation XXIII. of 1814, and entertain a confident expectation, that the Legislature may see fit shortly to maintain their consistency, by extending the powers of Moonsiffs in regard to the coercion of contumacious witnesses, as they have done recently in regard to the trial and adjudication of suits, the exaction of security from defendants in their Courts, and the execution of their own decretal orders: the Sudder Dewanny Adawlut for the Lower Provinces have been pleased to acquiesce in the proposition. A misconception of the remarks, contained in the 95th paragraph of the Court's last Report, respecting the prompt adjudication of Appeals, as evidenced by the tenor of Mr. Heyland's 14th paragraph, has been rectified by a further exposition of the views entertained by the Court, in the 6th paragraph of a letter dated 12th March last, which is appended [F] for the information of Government. The Records of this Judgeship are reported to be in good order, and as easily accessible, as the confined and otherwise inconvenient accommodation [the necessity of shortly enlarging which is anticipated by the Judge] will permit.

* No. 634 dated 7th April, 1845, published in *Gazette* of 22nd April, 1845.

† No. 1632, dated 14th Sept., 1844.

KUMAON.

155. On a comparison of the returns from this Province now before the Court with those for the year 1843, it appears that during the period under review there was a falling off in the number of suits instituted in the several Civil tribunals to the extent of 764, while the cases before the Courts for decision were likewise less numerous by 1463: at the same time the result of operations, notwithstanding an accession of 148 cases to the arrear on the general file, is satisfactory in exhibiting an increase of 685 in the number of decisions on trial, and a large reduction in that of cases, adjusted, withdrawn, and dismissed on default; satisfactory in

Commissioner.	
Headings, Nos. 1 to 14,..	258
,, ,, 15 to 17,..	69
	327

2 Senior Assistants.	
Headings, Nos. 1 to 14,..	624
,, ,, 15 to 17,..	340
	964

JUNIOR ASSISTANT.	
Headings, Nos. 1 to 14,..	682
,, ,, 15 to 17,..	3
	685

this respect, that, while the activity and industry of the Judicial functionaries are sufficiently testified by the augmentation of the former item, the diminution of disposals, otherwise than on the merits, is little more than commensurate with the falling off in the amount of business instituted, and these two facts would seem to indicate the incipient correction of that litigious spirit, which has been on former occasions mentioned as characteristic of the Hill people: it may be premature, however, to deduce such a conclusion from the circumstances noticed, until their recurrence in future years shall shew them to be the result, not of accident, or temporary causes, but the production of some permanent and pervading influence. It is gratifying to observe, that the system established continues to be successful in its operation, that the agency at work is quite equal to the judicial wants of the Province, and that the recent institution of all the cases [1768 in number] that awaited decision at the close of 1844, bears testimony to the diligence of its members, and the regularity with which their proceedings are conducted.

156. The following Tabular Statement will exhibit in one view the quantity of business, both regular and miscellaneous, dispatched by the Commissioner, the 2 Senior Assistants, the Junior Assistant, the two Sudder Ameens and 2 Moonsiffs, employed in this tract, and the proportion borne by decisions on trial to the number of suits, adjusted, withdrawn and dismissed on default.

	Number of regular cases appeal and original before the Courts.	*Decided on Trial.*	*Dismissed on Default.*	*Adjusted or withdrawn.*	*Pending.*	MISCELLANEOUS DECIDED ON MERITS. *Headings 1 to 14.*	*Remaining Headings.*
Commissioner Mr. G. T. Lushington, ...	602	416	8	31	147	238	69
Senior Asst., Mr. J. H. Batten, Kumaon Proper.	482	113	178	86	105	139	98
Senior Asst., Capt. Huddlestone, Gurhwal, ...	1212	381	639	100	92	202	242
Junior Asst. Mr. H. Ramsay, Kumaon Proper, ..	2004	386	682	424	512	202	3
Sib Churn Sing, Sudder Ameen, Kumaon,.....	1558	358	842	144	214	Statement No. 3: 169	0
Trilochurn Joshee, Sudder Ameen Gurhwal, ...	1752	308	961	161	322	Statement No. 3: 74	0
Moonsiff of Kumaon, ...	1051	319	284	219	229	0	0
Moonsiff of Gurhwal, ...	1292	231	746	168	147	0	0
Total,,,.	9953	2512	4340	1333	1768	1024	412

The numerical standard of monthly decisions, prescribed for the several Courts of this Province, which was determined with reference to the occupations of most of the functionaries in other branches of the administration, has been exceeded by all but the Moonsiff of Gurhwal, who, though, "a man of the highest character for integrity," "intelligent and of rather superior acquirements," for a Hill man, appears, adds Mr. Lushington "to be unable to get through as much work as others, inferior to him in every respect, accomplish;" he is desirous of resigning his appointment, and in the expectation that he will do so shortly, the Court think it needless to comment on the deficiency noticed. As regards the quantity of business disposed of in the several Courts, it is just to add that Mr. Batten's employment on Settlement duty diverted his attention from judicial business, and put it out of his power to exhibit such large numerical results, as appear in the returns applicable to the Courts of the other Assistants, of whom, it may be incidentally remarked, Mr. Ramsay was during the past year invested with the powers, conferred on Assistants in charge of Districts by Clause 2, Section 1 and subsequent provisions of the Kumaon Rules. It will be observed that, as

in former years, so in that, to which this Report relates, a very large proportion of the suits, disposed of in the several Civil Courts of the Province were amicably adjusted, or dismissed on default, and it has been urged by the Senior* Assistants, with a view of imposing some check on the groundless and licentious litigiousness, which prevails, to re-introduce the use of Stamped paper to a certain extent in Civil actions; to this proposition the Commissioner has expressed objections, grounded mainly on the obstacles, which the increased expense of litigation will oppose to the institution of equitable claims by the poorer part of the community, in regard to whom, he observes, the "revival of the old system, with its attendant cost would amount to an actual denial of justice." As the exaction of Fees from the losing party has avowedly failed of its object, and as the enormous [comparatively] number of suits instituted is no less an index of the litigiousness of the Hill people, than the large number of cases adjusted or withdrawn is a sign of its causelessness, the Court have expressed themselves favorable to the revival of stamped pleadings to a modified extent, and have deemed such a measure not incompatible with the maintenance of such a scale of cheapness, as may still render the Civil Courts accessible to the poorest members of the community, who may find it necessary to assert their just claims, while tending at the same time to repress the disposition of the Hill population to groundless litigation; the local officers have been therefore invited to express their sentiments respecting the practicability and expediency of levying a duty on Petitions of Plaint, Pleadings and the like at rates, to be determined by a graduated scale, which shall be prepared on the principle of that, prescribed by Article 8, Schedule B, Regulation X. of 1829, but which shall be made applicable to the circumstances of the Hill communities by provision for the institution of claims, not amounting to Rupees 16, on Stamped paper of proportionately small value, and it is probable that this question will shortly form the subject of reference to Government. I am desired to add, that the Commissioner's remarks on the subject of appeals, [paragraph 8] many of which are said to be preferred "on the mere chance of something turning up to the advantage" of the party appealing "in the course of appeal, or simply to delay execution of the Decree," tend to strengthen the impression, which the Court have received, of the expediency of re-introducing the use of Stamps.

* On this subject, the Court beg leave to refer to the 7th paragraph of Mr. Batten's Report.

157. The performances of the several functionaries in the miscellaneous department, as above represented, are considered satisfactory; they consist principally of orders, passed on applications for execution of Decree, of which 707 were struck off after full, and 193 after partial enforcement of the adjudicated claim; of these, 240 were carried out to execution by the two Sudder Ameens, who, under the sanction of the 17th Clause of Section III. of the Kumaon Rules, were during the period under report employed on this duty.

158. In the 157th paragraph of the Court's last Report allusion is made to the unusually favorable result of appeals from the decision of the several officers in terms, which have elicited from them an explanation of its cause: it is ascribed, apparently with great justice, to the extreme cheapness of litigation, inducing parties to carry up to the Superior Court cases, so simple in their nature, and decided with such manifest propriety, as would effectually prevent the institution of an appeal elsewhere. Such being the case, the confirmation of the judgment, pronounced by the 2 Senior and the Junior Assistants in 318 out of 390 cases, which were revised in appeal by the Commissioner and the Senior Assistant of Kumaon ceases to be an enigma, as does the reversal of only 83 orders, passed by the Sudder Ameens and Moonsiffs, out of 385, which were carried up in appeal to the Courts, to which they were referrible, and disposed of on trial within the period now under review, and, under the circumstances stated, any more particular specification of the results, exhibited in the Appeal Statement, appears unnecessary; with the exception of Sib Churn Singh the Sudder Ameen of Kumaon, who, though believed "to be honest and painstaking," is considered both by the

Commissioner and the Senior Assistant Mr. Batten, deficient in intellect, Mr. Lushington expresses a favorable opinion of all his subordinates, both Native and European, observing in regard to the latter, that the Senior Assistants have continued to give him satisfaction, and that he is "contented with the industry, zeal and generally correct proceedings of the Junior Assistant Mr. Ramsay," who, as above stated, was invested with the powers of a Senior Assistant during the past year. It seems doubtful whether or not it may be necessary to get rid of the Kumaon Sudder Ameen above named, but the Court would fain hope, that it may be found practicable to retain the services of one, who receives credit for industry and uprightness.

159. Of 61 suits, which were determined with the aid of Punchayuts* and Assessors,† all save one were decided in accordance with their opinion, the judgment being in 52 cases in favor of the Plaintiff or appellant, and in 9 cases in favor of the opposite party.

* 39
† 22

160. The correspondence noted in the margin‡ alludes to the modification of the Kumaon Rules in so far as to admit of suits, cognizable by the Moonsiffs of the Province, being primarily instituted in their Courts, instead of being made over to them by the Assistants according to the practice which has heretofore obtained, and to the extension of the Registry Act, No. XIX. of 1843, and the Rules prescribed by Circular Order, No. 1288, dated 26th July, 1844, to the Kumaon Jurisdiction, subject only to the difference in the amount of Fee leviable, which has been, as heretofore, restricted to 1 Rupee. With reference to the 18th and 19th paragraphs of the Commissioner's Report the Court have remarked to Mr. Lushington, that his practice of pronouncing judgment vivâ voce in the language of the people "coram populo" certainly fulfils the objects, contemplated by the Legislature in the enactment of Act No. XII. of 1843, and as long as he continued to preside, over the Civil administration of the Province, no alteration thereof might be needed, but there is an obvious objection, the Court have added, to the authoritative recognition of the practice, in the fact, that his successor might possibly, and not improbably, find it both difficult and distasteful to adhere to it: it is the opinion of the Court, that "so much of all Decrees, as consists of the points to be decided, the decisions thereon, and the reasons for the decision" may be recorded in the English language, and judgment be still delivered orally in open Court, so as to satisfy both the requirements of the Law, and the importunity of the people, but before insisting on this observance they have expressed a wish that Mr. Lushington should state any objections he may have to offer, connected either with the large number of suits requiring adjudication, or any other local peculiarity, of which the Court cannot be supposed cognizant. It is stated that no revision of the subordinate jurisdictions is requisite.

‡ My letter, No. 915 dated 21st May,
Your letter, No. 2812, dated 3rd July.

SIMLA.

161. The returns from this Hill Tract shew, that the anticipations of the Court, as expressed in the 160th paragraph of the last Civil Report, have been fulfilled, and that the extension of the sanatarium at Simla, together with the establishment of two new Military Cantonments within the jurisdiction of the Local Courts, has had the effect of largely increasing the amount of Civil business, as represented by the institution of 315 more suits during the year under report, than in the preceding annual period, and of causing also a corresponding accession to the labors of the Miscellaneous Department. It is satisfactory at the same time to observe, that the agency, brought into operation at the beginning of 1843, has been found adequate to the judicial wants of the jurisdiction, 339 more suits having been disposed of,

JUDGE.	
Headings, Nos. 1 to 14,..	8
,, ,, 15 to 17,..	128
	136

whether on trial or by adjustment, withdrawal or dismissal on default, than during 1843, and no business of any description, with the exception of 2 original suits in the Sub-Commissioners Courts, awaiting determination, when the period now under report came to a close. From these facts the numerical efficiency of the present establishment may be inferred, and unless some unforeseen contingency arise, the project of appointing a Moonsiff to aid in the judicial administration of the Tract may be definitively abandoned.

162. The following is an epitome of the work instituted and disposed of in the Courts of the Sub-Commissioner, who is required to receive and adjudicate appeals as well as original suits above Rupees 1,000 in amount, and of the Assistant, who is vested with the ordinary powers of Sudder Ameen. In the superior tribunal were instituted 10 original suits and 30 appeals, which, with 2 cases of the latter description remaining over from 1843, constituted all the regular business, requiring dispatch at Mr. Erskine's hands: of these all but 2 were disposed of by the decision on trial of 37 cases [6 original and 31 Appeals] the dismissal on default of 1, and the adjustment or withdrawal of the remainder, while the Miscellaneous work, brought to a termination, comprised the complete enforcement of 7 decrees, and is otherwise too inconsiderable to call for special notice. By Mr. Hodgson, the Assistant, who continues to give satisfaction by a diligent and conscientious discharge of his duties, 27 regular cases, together with 818 brought into Court within the year, were all disposed of before its termination by the determination on their merits of 357, the dismissal of 338, and the adjustment or withdrawal of 150; the large proportion of dismissals on default, commented on in former Reports, is attributable to the same causes, by which that result has been heretofore superinduced, the irrepressible litigiousness, namely, of the people residing within this Hill Tract, and the trifling expense incurrible in the indulgence of that propensity. The performances of Mr. Hodgson are pronounced by Mr. Erskine creditable to that functionary, whose increased judicial experience is said to have been satisfactorily evinced by "a strict observance of the rules laid down for the guidance of the Civil Courts, and by the consequent regularity of the Sudder Ameen's proceedings."

163. Miscellaneous business is, it may be said, almost exclusively confined to the Court of the Sudder Ameen, by whom 170 decrees were fully executed; in this department there was no arrear of any description, when the year closed.

164. The number of appeals, brought to obtain reversal of the Sudder Ameen's decisions on the merits, which amounted to 357, was satisfactorily small, as the manner, in which they terminated, is creditable to Mr. Hodgson's judgment, which was confirmed in 20 out of 31 cases determined by Mr. Erskine: of these 30 were instituted within the year, the proportion of appeals to the whole number of contested causes decided, being little more than 8 per cent.

165. With reference to certain objections, expressed by Mr. Erskine since the submission of the Court's last Report, to the revised system of administration, more particularly to the intervention of the Governor General's Agent in the hearing of Regular and Special Appeals, on the ground of its illegality, and its inconvenience, that gentleman has been informed that his apprehensions are unfounded, and that Act XV. of 1836, which expressly declares that the "control and superintendence" thereby vested in the Sudder Dewanny Adawlut, "shall be exercised in conformity *with such instructions*" as may be issued by Government, contains no expression justificatory of his conclusion, that the intervention, namely, of an appellate tribunal between the Court of the Sub-Commissioner and that of the Sudder Dewanny Adawlut, was not thereby contemplated. It has been explained, that the Governor General's Agent, in hearing and determining Regular and Special Appeals, from the orders of the Sub-Commissioner and his Assistant, as directed by the orders of Government to do, cannot be held to infringe the provisions of an enactment which if not directly, by the strong

est implication declares, that the administration of justice in Subathoo and the Territories annexed thereto, shall be regulated by such instructions as "the Functionary or Functionaries, who are or may be appointed to the political charge," shall have received or may hereafter receive from the Governor General in Council. Mr. Erskine's apprehensions of inconvenience, resulting from the possible interference of the Agent in laying down rules of practice, appeared to the Court equally unfounded, inasmuch as the authority of the agent is restricted to the reception and trial of Regular and Special Appeals in certain specified cases, and does not extend to the institution of rules for the guidance of the functionaries appointed to the political charge of the Tract in question; that privilege can be exercised only by those, to whom the duties of controul and superintendence have been delegated, or by the Government acting in conformity with the provisions of Law.

SUDDER DEWANNY ADAWLUT.

166. The number of cases of every description, pending before, and disposed of by, the Sudder Dewanny Adawlut in the year under review, was as follows:—

	Regular and Special Appeals.														Miscellaneous Disposed of.			
	Pending on the 1st January.			*Admitted during the year.*			*Total before the Courts.*			*Disposed of*			*Pending on the 31st Dec.*					
	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Cases.	Petitions.	Petitions of Special Appeal.	Total.
1843,.....	72	41	113	113	67	180	185	108	293	92	81	173	93	27	120	650	1674	307	2631
1844,.....	93	27	120	108	146	254	201	173	374	114	127	241	87	46	133	632	1851	676	3159
Increase,....	21	0	7	5	79	74	16	65	81	22	46	68	0	19	13	0	177	369	528
Decrease,....	0	14	0	0	0	0	0	0	0	0	0	0	6	0	0	18	0	0	0

Distribution of the Cases disposed of with reference to the mode of disposal.

	Confirmed on perusal of the Petition of Appeal and Decree of the Lower Court.	Confirmed after Summoning the Respondent.	Reversed.	Modified.	Ordered back for re-trial or further investigation.	Dismissed on Default.	Adjusted.	Total.
1843,.....	19	36	32	24	51	6	5	173
1844,.....	22	40	46	10	107	13	3	241
	†3	†4	†14	—14	†56	†7	—2	†68

Dates of institution of Appeals pending on the 1st January, 1844, and the 1st Jan. 1845.

	1841.	1842.	1843.	1844.	Total.
1843,	1	7	112	0	120
1844,	0	2	13	118	133

Pending on the 1st June, 1845.

1842.	1843.	1844.	1845.	Total.
2	5	56	56	119

A comparative Statement is also given below for the purpose of further illustration.

Pending on the 1st January, 1844, ...	Regular and Special Appeals, ..		120
Admitted during the year,	Regular Appeals, ...	108	
	Special Appeals, ...	146	
			254
			374
Disposed of	Regular Appeals, ...	114	
	Special Appeals, ...	127	241
Remaining on 1st January, 1845, ...			133

In addition to the above, the Court disposed of

Miscellaneous cases, ...	632
Miscellaneous Petitions, ...	1851
Petitions for admission of Special Appeal, ...	676
	3159

And in the Criminal Department,

Trials regularly referred, ...	340		
Trials regularly called for, ...	159		
Cases referred under Act XXXI. of 1841, Sections 5 and 6,	39		
		538	
Miscellaneous cases, ...	50		
Miscellaneous petitions, ...	451	501	1039

167. During the past year, Messrs. Tayler, Thompson and Davidson were attached to the Court, as permanent Judges; the former was absent on leave for three months from the 28th September until the 28th December, less inconvenience, than might have been expected, being thereby occasioned, owing to the intermediate adjournment of the Civil Courts for 5 weeks of that period, on account of the Dussehrah vacation, and from the 14th April to the 7th May, both inclusive, the Court were similarly deprived of Mr. Davidson's assistance. Mr. Thompson remained with the Court during the whole period under review.

168. It will be observed that the aggregate number of cases before the Sudder Dewanny Adawlut at the commencement of 1844 was larger by 7 than at a corresponding period of the antecedent year: the income of appeals was larger by 74, and there were 13 suits more depending at the close of the year under review than at the end of 1843,—and in this arrear were comprised 15 appeals of earlier institution than 1844, of which two appertained to 1842 and 13 to 1843,—an amount, which, on the 1st Instant, had been reduced to 2 instituted in 1842, and 5 in 1843, while 118 appeals of 1844 had fallen by the same date to 56. The business disposed of is much more considerable in every department than the returns of 1843 exhibited, the appeals decided having been more numerous by 68, while the institutions at the same time exceeded those of 1843 by 74, and the increase

of business, brought up in the Criminal Department, was, as shewn in the margin* large. It is of importance, further, to remark, that, under the operation of Act III. of 1843, the applications for Special Appeal have been more than doubled, the numbers having been 136 in 1841, 168 in 1842, 307 in 1843, and 676 in 1844, and that, though aggregated with the miscellaneous business of the Court, they require much time and deliberation in their disposal, it being prescribed by the Law that, in the event of their admission, the point or points to be determined shall be reduced to writing in English,—an observance, that cannot of course be fulfilled without a careful perusal and examination of the Decrees, passed by both the Lower Courts, which are required by Section 3 to be filed with the Petition for Special Appeal; nor, it may be added, can the rejection of such an application be directed without a similar examination of the Lower Court's proceedings. The following Tabular Statements are designed to exhibit the manner in which the 241 Appeals, above mentioned, were disposed of, and the number of applications for Special Appeal, admitted and rejected by the Court at large.

	1843.	1844.
* Trials referred and called for, ..	363	538
Miscellaneous cases and petitions,	470	501

STATEMENT A.

Confirmed on perusal of the Petition of appeal and the Decree of the Lower Court, ...	22
Confirmed after Summoning the Respondent, ...	40
Sent back for retrial or further investigation, ...	107
Reversed or Modified, ...	56
Dismissed on Default, ...	13
Adjusted, ...	3
	241

STATEMENT B.

Admitted.	*Rejected.*	*Struck off.*	*Total.*
132	453	91	676

169. The value of the property involved in these 241 appeals amounted to Rs. 61,59,300, and the amount at stake in the 133 appeals, awaiting decision at the close of the year, was Rupees 20,71,369. The amount of property under litigation before all the Local Courts, when the year ended, was Rupees 103,83,852, making, with the value of appeals pending before the Sudder Dewanny Adawlut, as first stated, an aggregate of Rupees 124,55,221, viz.

In Original Suits, Rupees, ...	96,40,796
In Appeals, Rupees, ...	28,14,425

170. Excluding cases disposed of by this Court, and the tribunals of Kumaon and Subathoo, the following results are deduced from the general abstract of operations: the number of cases instituted in 1844 before all the Courts was 67,600, that is, original suits 60,931, and appeals 6,669, being in excess of those brought in 1843 by 2,978; the total number of regular suits under trial was 85,678, consisting of 76,105 original suits, and 9,573 appeals, or more by 973 than in the preceding year: the whole number disposed of amounted to 68,853, viz. Original suits 61,554, and 7299 Appeals, which gives an increase of 1457 above 1843. Of the 68,853 disposed of, 46,970 or about 68·1-5 per cent were determined after trial, viz. 40,230 original suits, and 6740 Appeals. The arrear at the close of the period under review comprehended 16,825 suits, of which 14,551 were original and 2274 appeals, yielding a net decrease on the general file of 525 cases, while among the pending suits 16,713 or a proportion of 99¼ per cent were instituted within the twelve months under report.

171. Respecting the character of the decisions passed by the Local Courts, it appears that out of 40,230 original suits decided on trial, 33,104, or a proportion of about 82·2-7

per cent, went in favor of the Plaintiff: the decisions of each grade of tribunal are exhibited in the margin.* The Appeals instituted during the year [6669] bear a proportion of 10·83 to the number of original suits disposed of within the same period, while 4,315, or about 64 per Cent of the appeals adjudicated on the merits [6740] terminated in the confirmation of the order appealed against, yielding a much more favorable result than in 1843 when the proportion was only 58.10 per cent.

	For Plaintiff.	*For Defendant.*	*Total.*
* Judge, ...	9	6	15
P. S. Ameen, ..	1582	678	2260
Sudder Ameens, ..	1379	378	1757
Moonsiffs, ...	30134	6064	36198
	33104	7126	40,230

STATEMENT No. II.—172. It is hoped, that the results represented in this Statement will be considered satisfactory, as evidence of the successful endeavors made to expedite the dispensation of Justice; notwithstanding the large reduction effected in 1843, as compared with antecedent annual periods, a further diminution of the number of suits pending at the end of 1844, before the local Courts and the Sudder Dewanny Adawlut, of longer standing than a twelvemonth, is apparent, the numbers having been 683 in 1842, 189 in 1843, and 127 in 1844. Of these 15 awaited decision in this Court, whereas in 1843 the arrear of this description did not exceed 7 appeals, thus shewing a small increase, while on the other hand the decrease in the local Courts amounts to 69, which, with reference to the detailed remarks recorded in the antecedent part of this report, must be deemed creditable.

Relating to suits older than 12 months.

173. Statements Nos. III. IV. V. seem to call for no particular remark, and the details of Statement No. VI. have been already noted in the beginning of this Section.

STATEMENT No. VII.—174. In seven Districts† the provisions of this Regulation were not had recourse to, while in six more‡ its use was restricted to two or three cases: it was brought more extensively into operation in the Districts of Furruckabad and Allahabad than elsewhere, 61 suits having been tried in the former and 18 in the latter with the aid of the agency, which it provides. The whole number of suits decided during the past year under this Regulation was 141, shewing a falling off, as compared with the last three§ years, which, to those, who are disposed to look favorably on the system which it is the object of the enactment to introduce, affords but little encouragement. As noted under the head of Kumaon 39 suits were tried with a Punchayet and 22 with Assessors, in that Province, and in Simlah the latter description of Agency was used in the disposal of 15 cases. To the Court at large, there occurs nothing new to advance at present on this subject, and Mr. Davidson's suggestion for the extension to the Principal Sudder Ameens, of the power now possessed by the Judges only under this Law, has been already adverted to in a preceding part [vide under Ghazeepore] of this Report.

Suits tried with the Agency provided by Regulation VI. of 1832.

† Delhie, Allygurh, Agra, Mynpoorie, Futtehpore, Bundlekund, and Mirzapore,

‡ Meerut, Barelly, Moradabad, Goruckpore, Benares and Jounpore,

§ 1841, .. 198
1842, .. 289
1843, .. 165

STATEMENT No. VIII.—175. The Statement of business in this department is not otherwise than satisfactory, and if its importance, hardly secondary to that of the regular branch of business, be considered, the attention bestowed by the Court on its supervision will not be thought to have been misplaced. The pending cases of this description in the several Zillahs [Kumaon and Simlah being excluded] were 12,056 in number at the end of 1843, and 10,566 in 1844, yielding a reduction of 1490 cases in favor of the period under report, and if the comparison be extended retrospectively, the measure of improvement effected will be still more manifest, the numbers having been 15,172 at the end of 1840, 14,700 in 1841, and 14,329 at the close

Unexecuted Decrees.

of 1842. In the 178th paragraph of the last Report the advantages, which had ensued from the prompt and cordial co-operation generally of the Revenue authorities, were noticed in terms of congratulation and praise, and it was added that in very many Districts cases of this nature rarely remained incomplete for more than three months: this fact was held to justify a modification of existing instructions by a Circular Order, dated 26th August, which, in restricting the exhibition in the Quarterly Reports of requisitions made to the revenue authorities, to cases, instituted more than three months previous to the close of the Quarter, has been found to abridge the labor, incurred in the preparation and revision of the Statement, without diminishing the efficiency of the Courts supervision, for, as justly argued in the 3rd paragraph of that order, "the acts which the revenue authorities are required to perform, relating mostly to sales of land, and partition of Estates, cannot ordinarily be accomplished within a shorter period than that specified." At the same time means have been taken by the issue of another Circular Order, dated 2nd May* to ensure a more correct specification of the steps taken by Collectors to fulfill the requisitions of the Civil Courts, and thus to reduce the number and the frequency of applications to the Sudder Board of Revenue for their assistance. The system, which has been gradually brought into full operation by the various instructional rules, adverted to in former† Reports, has continued to work with an efficiency, which has been somewhat increased in some Districts during the past year, by the abolition of Quarterly Sales [vide supra paragraph 10] and in the matter of expedition, leaves nothing to be wished for.

Published in Gazette, No. 36, dated 10th September, 1844.

* Published in Gazette, of 21st May, 1840, No. 20.

† Vide para: 127, Court's Report for 1840.
Vide para: 122, Court's Report for 1841.
Vide para: 127, Court's Report for 1842.
Vide para: 178, Court's Report for 1843.

STATEMENT No. XIII.—176. This was submitted last year as a Supplementary Statement with my letter, No. 69, dated 11th January last, and has been now incorporated with the regular annual series: it claims attention in this place, as connected with the subject of the preceding paragraph, although, were the numerical order followed, it might be more appropriately noticed in a subsequent part of the Report. The Kumaon and Simlah Courts being excluded from the calculation, there were altogether 60,848 applications for execution of Decree preferred, and it may be pronounced creditable to the activity of the Judicial authorities, that of this number 48,881‡ were disposed of, namely 18,057 by full enforcement, and 10,572 by partial settlement of the adjudicated claim, while 20,252 were struck off the file, owing to the default of Decree holders to proceed with the execution within the prescribed period. It thus appears that of the cases disposed of, decretal orders were fully or partially executed in a proportion of 58½ per Cent, and it must be remarked, that the latter, though of course the less satisfactory issue, involves no less labor and trouble than does the complete enforcement of a Decree, and that the imperfection of the execution is occasioned by various contingencies beyond the control of the judicial officers, such as the inadequacy of the Defendant's property to meet the demand, the existence of a prior lien upon the same, its collusive alienation and other causes, which will readily suggest themselves to the experience of every one. The Court desire me to add, in evidence of the industry applied to the important duties of this department, that of the 10,566 applications which awaited disposal, when the year came to a termination, no more than 37 or about 0·35 per cent, had been on the files for more than a twelvemonth, and that of these 25 were pending the sale of property, or the remittance of proceeds by the revenue authorities, while in 9 others investigations, relating to property, or to claims preferred by objectors were in progress, and one awaited the return to service of process.

Numerical Statement of applications for execution of Decree before the Zillah Courts.

‡ 1,401 were transferred to other Courts.

STATEMENT No. XI.—177. This Statement represents particulars of the appeals, brought to decision by the Sudder Dewanny Adawlut from the judgments of Officers occupying judicial posts under the Court during the past year, and exhibits a result less favorable than, that attained in 1843. Of 205 appeals tried and decided on their merits [14 dismissed on default or adjusted having been deducted] the original order was affirmed in 57, modified in 9, and reversed in 36, while the remaining 103 were remanded for retrial or further investigation, the remands, modifications and reversals having amounted to 72·19 per cent, whereas the proportion in 1843 was 64 per cent. The Court, further regret to remark, that the diminution in the proportion of suits, sent back by remand, which until 1843 was progressive, has disappeared, as shewn by the following note:—

In 1842, 44 were remanded out of 155 tried, or 28·58 per cent.
In 1843, 44 were remanded out of 143 tried, or 30·76 per cent.
In 1844, 103 were remanded out of 205 tried, or 50·24 per cent.

In justice, however, to the Officers concerned, it should be observed, with reference to the increase in the number of orders, interfered with, that of 676 applications for the admission of special appeal, no less than 453 were rejected after perusal of the Decrees, passed by the Lower Courts, and that such rejection implies the conformity of the decisions, appealed against, with the provisions of Law, with universal usage, and the established practice of the Courts.

178. The usual comparative Statement, exhibiting the number of suits remanded by the Zillah Judges and, with their concurrence, by the Principal Sudder Ameen's trying appeals, to the inferior Courts for retrial and further investigation, is entered in the margin, and from the reduction apparent in the number so dealt with, it may be fairly inferred, that proper principles continue to be observed in the application of the Law, and that in the proceedings of the Lower tribunals irregularity of procedure and defective investigation are becoming more and more infrequent,— a conclusion, which must be considered to indicate the growing efficiency of the Native Judicial body, as well as the efficacy of that rule, which renders the acquisition of a Diploma of qualification, a necessary preliminary to the admission of candidates to the judicial department. The only remarkable fluctuations in the number of remanded suits are apparent in Dehlee, where it has risen from 17 to 36, in Seharunpore where a still larger increase is perceptible, and in Allahabad, Azimgurh, Jounpore and Ghazeepore, where the exhibition of a decrease may be received as evidence of improvement in the judicial qualification of the functionaries concerned. The Monthly Returns prescribed by the Circular Order of 16th April, 1841, I am directed to add,

ZILLAHS.	1842. By the Judge.	1842. By the P. S. Ameen.	1842. Total.	1843. By the Judge.	1843. By the P. S. Ameen.	1843. Total.	1844. By the Judge.	1844. By the P. S. Ameen.	1844. Total.
Delhie, ...	25	10	35	14	3	17	33	3	36
Saharunpore, ...	16	0	16	9	0	9	36	0	36
Meerut, ...	18	5	23	30	6	36	19	4	23
Allygurh,.....	30	2	32	33	10	43	26	1	27
Moradabad,.....	33	0	33	8	6	14	4	2	6
Bareilly, ...	41	11	52	40	4	44	40	1	41
Agra, ...	1	1	2	2	0	2	4	0	4
Furruckabad, ...	39	0	39	16	0	16	12	1	13
Mynpoorie,.....	12	3	15	15	7	22	14	2	16
Cawnpore, ...	17	5	22	24	0	24	20	4	24
Futtehpore,.....	13	0	13	6	0	6	11	0	11
Bundlekund, ...	25	0	25	14	4	18	25	6	31
Allahabad, ...	31	1	32	37	0	37	14	0	14
Goruckpore, ...	6	7	13	17	4	21	18	2	20
Azimgurh, ...	72	9	81	33	0	33	17	14	31
Jounpore, ...	68	3	71	26	6	32	10	6	16
Mirzapore, ...	32	6	38	27	0	27	16	0	16
Benares, ...	111	0	111	35	4	39	27	3	30
Ghazeepore,.....	12	1	13	18	0	18	8	2	10
Kumaon,.....	17	13	30	27	0	27	50	3	53
Subathoo, ...	4	0	4	5	0	5	3	0	3
	717	112	829	623	77	700	407	54	461

In Kumaon for "Judge" Subandi "Commr. and Senior Asst." for P. S. Ameen, do. Junior Asst. and S. Ameen.

Officers.	Description of Cases.	Original Suits and First Appeals. Number Appealable. Cases decided on full trial.	Cases decided Exparte.	Cases decided on confession of judgment.	Total.	Proportions. Of Col. 9 to Col. 1.	Of Col. 9 to Col. 1+2.	Of Col. 9 to Col. 1+2+3.	First and 2nd Appeals. Number Pending.	Number Appealed.	Number under Trial.	Number Confirmed. By Judge.	By P. S. Ameen.	Total.	Number Modified or Reversed. By Judge.	By P. S. Ameen.	Total.	Total decided.	Proportion of confirmations to number tried.
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
101 Moonsiffs, ...	Orig. Suits,...	16312	9235	11201	36748	34·45	21·99	15·29	1944	5620	7564	1952	1578	3530	904	940	1844	5374	65·70
18 S. Ameens, ...	Ditto, ...	2118	615	444	3177	40·84	31·65	27·22	445	865	1310	479	83	562	257	59	316	872	64·00
22 P. S. Ameens,..	Do. & Appeals,	4134	455	329	4918	18·14	16·34	15·25	523	750	1273	523	0	523	357	0	357	880	59·65
	Total, ...	22564	10305	11974	44843	32·06	22·01	16·13	2912	7235	10147	2954	1661	4615	1518	999	2517	7132	64·70

continue to receive the punctual and careful attention of the Court, by whom any misapplication of the Law, or misconception of its object is pointed out to the several Judges for their guidance, and its avoidance enjoined.

STATEMENT No. XII.—179. In this Statement, the origin of which is mentioned in the 181st paragraph of the Court's last Report, is exhibited the whole number of appealable causes, determined by the several grades of judicial officers, collectively, and the proportion thereof, which were carried up in appeal to the superior Courts, together with the manner, in which the appeals instituted, were disposed of: on reference to the detailed Statement it will be found, that the variety of result in different Districts is still, though to a less extent, considerable, and in the absence of data sufficient to justify the expression of any satisfactory opinion as to the cause of this variety, it may be well to confine our attention to the abstract, entered in the margin, and to a comparison of the results thereby represented with those indicated in the 181st paragraph of the last Report. Improvement, it is satisfactory to observe, is perceptible, and if the easy accessibility of the appellate Courts, the encouragement afforded for the institution of appeals by the expedition now enforced in their final determination, and the small expense incurrible in their prosecution, be borne in mind, it may perhaps be admitted, that the conclusions deducible are not other, than creditable to the character of the judicial agency. Column 5 shews, that of judgments given in *contested* suits, a proportion of 32·06, or less than one-third was appealed, and that of the appeals determined a proportion of 64·70 per cent terminated in the confirmation of the order appealed against, whence it may be inferred, so far as this Statement is a criterion, that in less than one-sixth of the cases disposed of on trial by the Lower Courts was reason found for interfering with the original judgment. It is remarkable, that the judicial qualifications of the Sudder Ameens are less favorably represented by this return than those of the other grades of judicial officers, a peculiarity, which may perhaps be partially explained by the fact of those functionaries being, with few exceptions, located at the Sudder Station, and by the institution of appeals being facilitated and encouraged by the close proximity of the appellate tribunal; the Principal Sudder Ameens, though likewise holding Court under the same roof with the Zillah Judge, are not in the same category, for this reason, that in original suits for property exceeding Rupees 5,000 in value, and in all appeals from the Sudder Ameens and Moonsiffs, which are referrible to

them, an appeal, in the one case regular, and in the other special lies to the Sudder Dewanny Adawlut.

STATEMENTS NOS. XVI. AND XVII.—180. The results represented in these Statements, regarding the Miscellaneous work, brought to a termination in the Local Courts and in the Sudder Dewanny Adawlut, are considered satisfactory, inasmuch as the reduction in the number of Cases (13,144) pending in the former at the commencement of the year, to 11,468 at its close, proves that the interests of the department have not been sacrificed to the supposed superior importance of the regular business, and that the diligence, required for its efficient administration, has been energetically exerted. In addition to other work, 54,627 applications for execution of Decree, and Petitions of objections, urged in course of execution, were disposed of.

181. In pursuance of the orders of Government conveyed in the Secretary's letter, No. 1507, dated 6th May, 1840, a list of the new appointments, made in the past year, to the Office of Principal Sudder Ameen is subjoined.

Moulvee Ghoolam Mahomed Moostuffa Khan, Sudder Ameen of Jounpore, to be Principal Sudder Ameen of Goruckpore, in succession to Moulvee Vilayut Alee Khan, removed to Allygurh in the room of Zuhoor Alee resigned [No. 969, dated 16th March]

Moulvee Ahmud Hussun Khan Sudder Ameen of Moradabad, to be Principal Sudder Ameen of Goruckpore, in succession to Moulvee Mahomed Nubbee Yawur Khan deceased, No. 2431, dated 28th June.]

Kazee Yar Alee Khan, Sudder Ameen of Azimgurh, to be Principal Sudder Ameen of Jounpore in succession to Moulvee Mahomed Yoosuff Hussun Khan, removed to Futtehpore in the room of Mahomed Shukoor retired on pension [No. 2528, dated 5th July.]

Mahomed Fuzl Azeem Sudder Ameen of Goruckpore to be Principal Sudder Ameen of Mynpooree in succession to Mahomed Alee Nuckee Yawur Khan retired on a Pension [No. 2819, dated 27th July.]

Pundit Dyaram, Sudder Ameen of Bijnore to be Additional Principal Sudder Ameen of Benares in succession to Mr. Campier transferred to Mirzapore in the room of Pundit Beerbul retired on Pension [No. 4704, dated 24th October.]

182. According to the desire expressed by the Honorable the Court of Directors in their dispatch, dated 14th December, 1842, a Statement, made up to the 1st June, 1845, of the amount recovered, and still due, in the matter of Costs incurred by them in the prosecution of appeals to the Queen in Council, on account of the Sudder Dewanny Adawlut in the North Western Provinces, is herewith submitted in Appendix [G] it seems only necessary to remark, that within the past year an Act [No. II. of 1844] passed the Legislative Council, whereby "the expense of preparing copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English language such of the aforesaid proceedings, as may have been originally drawn out in the country languages" is justly imposed npon the parties prosecuting the appeal, so that this item of expense will of course cease entirely for the future.

183. The only other Law, enacted during the past year, which touches at all on the administration of Civil Justice, is Act IX. of 1844, which makes suits, primarily cognizable by the Principal Sudder Ameens and Sudder Ameens, susceptible of institution in their

Courts, and no argument is required to establish its propriety; it substitutes for a circuitous mode of procedure, one that consists with the convenience of the public, and the interests of the administration, and is at the same time so simple in its provisions, that no difficulty has been found in giving to it practical operation. Various other Laws have been proposed, but, as the sentiments of the Court have been from time to time required, and expressed, in regard to each severally, there is no need for recapitulation in this place. Nor, under the present system of transmitting direct for the information of the Government, copies of all Circular Orders issued by the Court, and of publishing the same in the *Agra Government Gazette*, does it appear necessary to adhere to the desire* of Government, that in the annual Reports those instructions should be reviewed and epitomized.

* Vide paragraph 31 of enclosure of Mr. Secy. MacSween's letter, No. 1824, dated, 15th September, 1834.

184. Mr. Tayler, a Judge of this Court, is still engaged in preparing one uniform set of Register Books for the use of the Mofussil Courts, and there is reason to hope that in the next Report the Court may be enabled to state, that this very important task has been brought to completion.

185. The review of the judicial proceedings of 1844 has been now concluded, results of administration have been compared or contrasted, and inferences, favorable or otherwise deduced. The details, furnished in the body of the Report, remove the necessity of any separate expression of the Court's opinion on the merits of individual Officers; the general character of the operations will, it is hoped, be deemed favorable, and the instances of blameworthy failures that have occurred, the exception. The Court on the whole are satisfied that the Native judicial body, actively and carefully superintended, will continue to work with respectable efficiency, and that at the same cost no other system, so well fitted to meet the Judicial wants of a primitive people, could be maintained.

I have the honor to be, Sir,

Your most obedient servant,

G. F. EDMONSTONE,

Register.

Agra, the 12th June, 1845.

INDEX TO THE CIVIL REPORT FOR 1844.

Paragraph 1. Submits Statements of Civil business, disposed of and pending in the several Courts of the North Western Provinces, for 1844, with Report.

[PARAGRAPHS 2 TO 8 INCLUSIVE.—ZILLAH DELHIE.]

Paragraph 2. Alludes to paucity of cases, pending in this district longer than a year, as satisfactory, and declares the general aspect of business creditable to the supervision of Judge [Mr. C. Lindsay and Mr. J. P. Gubbins.]

Paragraph 3. Describes work performed by Judge and Officiating Judge jointly and severally, notices the practical inoperativeness of Regulation VI. of 1832, with alleged cause, and adverts to Mr. Lindsay's compulsory departure on leave.

Paragraph 4. Details the performances of the Principal Sudder Ameen, and admitting the result of appeals to be unfavorable, refers to a safer criterion in the number of appeals instituted to set aside his decisions.

Paragraph 5. Reports on the business dispatched collectively by the 3 Sudder Ameens and the Moonsiffs, in terms, commendatory of their industry, and remarks omission of reporting Officer to notice the proportion of Exparte and Ikbal Dawa decisions.

Paragraph 6. Adverts to the judicial qualifications of Sudder Ameen and Moonsiffs, as shewn by the result of appeals from their orders, and to the opinion, expressed by Mr. Lindsay, as being with two exceptions, favorable to those functionaries; again urges the expediency of Mohesh Chunder's removal to Bengal in the capacity of Sudder Ameen.

Paragraphs 7 and 8. Describe the condition of the Record Department, and note the expense incurred in maintaining inferior Courts, as compared with the income from sale of stamps.

[PARAGRAPHS 9 TO 16 INCLUSIVE.—ZILLAH SEHARUNPORE.]

Paragraph 9. Reviews the aspect of business, generally, as compared with its condition in 1843, and deduces therefrom an opinion favorable to the character of the Native judicial body.

Paragraph 10. After noticing changes of incumbency in this judgeship, and describing the work done by the officers employed, adverts to two points connected with the miscellaneous department, namely, the large proportion of applications for execution of decree struck off on default, and the practice, pursued by the Collectors of this Division, of holding quarterly sales, and mentions the steps taken by Court in regard to each.

Paragraph 11. Notices the business, Civil and Criminal, dispatched by the Principal Sudder Ameen, and the favorable result of appeals from his decisions, as justifying, in conjunction with the Judge's [Mr. H. Lushington] high estimate of his character, his advancement to the superior grade.

Paragraph 12. Describes the operations of the Moonsiffs' Courts with remarks on the judicial capacity ofthe several officers of this grade, as indicated by the termination of appeals heard by the Judge, and by the minute left on record by the late incumbent [Mr. H. Lushington].

Paragraph 13. Reports on the performances of superintendent of Deyrah Doon, and appends [A] certain correspondence, as illustrative of the difficulty of his position.

Paragraph 14. States the number of appeals, heard by Sudder Dewanny Adawlut, from this District.

Paragraph 15. Gives a Statement of cost of inferior judicial establishments, and mentions the obstacles [now removed], which have heretofore opposed the revision of subordinate jurisdictions being completed.

Paragraph 16. With reference to 16th paragraph of last Report, states the result of enquiry, made by the Court, in regard to the preponderance of suits for debts on Bond, and the mode of their adjudication.

[PARAGRAPHS 17 TO 25 INCLUSIVE.—ZILLAH MEERUT.]

Paragraph 17. Commends the issue of the Judge's [Mr. A.W. Begbie] administration during the past year, notwithstanding his other onerous duties, and mentions the paucity of long-standing cases, as indicative of its success.

Paragraphs 18 and 19. Detail the business dispatched by Judge, Civil and Criminal, advert to the additional duties imposed upon him as Special Commissioner towards close of the year, and state the alleged cause of his sparing use of Regulation VI. of 1832; also refer to a correspondence with the Sudder Board of Revenue on the subject of delays on the part of Collector of Meerut in giving effect to the requisitions of the Civil Courts relating to execution of decrees, and add the number of appeals heard by Sudder Dewanny Adawlut, from this district.

Paragraphs 20 and 21. Describe severally the performances of Principal Sudder Ameen, and Sudder Ameen, and changes of incumbency in the latter office, together with remark touching the character of the former's decisions; expression of opinion regarding Sudder Ameen declared unnecessary owing to his [Abdool Wahid Khan] retirement.

Paragraphs 22 and 23. After alluding to changes of incumbency in the Moonsiffs' Courts, report on the work done by those functionaries, notice remarks of Judge of

the Exparte and Ikbal Dawa decisions, and pronounce the result of appeals generally creditable to their judgment: likewise refer to circumstances, which led to the resignation of one of these officers, and to the immunity, afforded by the Law, to persons accusing them of misconduct, however causelessly.

Paragraph 24. Mentions the Cost of inferior judicial establishments as compared with the revenue from stamps filed, adverts to arrangements in progress for the re-adjustment of subordinate jurisdictions, and to the efficient state of Record department.

Paragraph 25. Details orders issued, and measures taken by Court, on various points connected with Civil administration noticed by Judge, namely, service of proclamation on defendants and of subpœna on witnesses, the re-enactment of Section 14, Regulation XVI. of 1814, the contravention of Regulation VI. of 1830, the transmission of records of appeals, decided by the Principal Sudder Ameen, the insufficient accommodation of the Civil jail, and various other matters.

[PARAGRAPHS 26 TO 35 INCLUSIVE.—ZILLAH ALLYGURH.]

Paragraph 26. Compares aspect of business and results of administration during 1844, with those exhibited in last Report; palliates accession to arrear by reference to changes of incumbency in inferior Courts, and mentions the reduction, subsequent to close of year, of old cases, which were not numerous.

Paragraph 27. After noticing personal assiduity of Judge [Mr. J. Tierney] as evidenced by his performances in his own Court, and his judicious supervision, adverts to the probability of his being relieved of any extraordinary pressure of business by transfer of jurisdictions to Agrah, and notices the results of appeals heard by Sudder Dewanny Adawlut from his Court.

Paragraphs 28 and 29. Having alluded to the late Principal Sudder Ameen's [Zuhoor Alee] retirement, describe the work performed by him and his successor, jointly and severally, and notice considerations, which have induced the Court to recommend the appointment of a Sudder Ameen: advert also cursorily to the termination of appeals from the decisions of this Court.

Paragraphs 30 and 31. Report on the work despatched collectively by the Moonsiffs, and relatively to the transfers, which occurred, subjoin a statement shewing their individual performances, with comments thereupon: call particular attention to the industry of Mooftee Inayat Ahmed, and to the Judge's remarks on the subject of Exparte and Ikbal Dawa decisions.

Paragraph 32. Notices the character of the decisions, passed by incumbent Moonsiffs, and the paucity of appeals preferred, as being creditable to those of Khyr and Ryah, and, after mentioning cause of delay in the adjustment of their jurisdictions, subjoins a statement, exhibiting the expense incurred in the maintenance of their Courts, as compared with income from stamps filed.

Paragraphs 33 and 34. In connection with the state of the Record department express hope that the Court House will be enlarged as formerly proposed, and with reference to Government letter dated 10th ultimo, repeat the opinion

of the Court in regard to the inexpediency of the stringent construction of Act XXIII. of 1840 by Supreme Court at Bombay.

Paragraph 35. Recapitulates substance of correspondence relative to the practice of the Courts generally in serving summons on resisters of the process of the Civil Courts.

[PARAGRAPHS 36 TO 43 INCLUSIVE.—ZILLAH MORADABAD.]

Paragraph 36. Remarks on the paucity of long-standing cases both regular and miscellaneous, and the general satisfactory aspect of business, as regards arrears, and notices the insufficiency of Mr. McSween's [the Judge] report.

Paragraph 37. Reports on the business disposed of by Judge, and the very partial use made of Regulation VI. of 1832, and remarks on the effect of Act VI. of 1843, in withdrawing all applications for execution of Decrees from his Court.

Paragraph 38. After adverting to the Principal Sudder Ameen's [Tusuddook Hossein Khan] departure and the consequent arrangements, states the quantity of work dispatched in this Court by the incumbents, and contrasts the result of appeals, decided by Court with that of appeals determined by Judge from Tusuddook Hossein's judgments, as conveying an impression unfavorable to his mode of investigating cases, brought before him.

Paragraph 39. Mentions the new appointments made to the offices of Sudder Ameen at Moradabad and Bijnore, and gives a detail of the cases determined by them, with remarks touching the judicial character of the late incumbents.

Paragraphs 40 and 41. Commend the industry of the Moonsiffs generally, as shewn by the amount of business dispatched in both departments, and, with reference to Marginal Extract from Appeal Statement, notice the diversity of result in the Judge's and Principal Sudder Ameen's Courts as quite inexplicable, and the steps taken by Court to ascertain its cause.

Paragraphs 42 and 43. Subjoin Statement of Costs of Judicial Establishment, as compared with income from stamp revenue, and advert to state of Records. Question relating to Talooka Chandee still undetermined.

[PARAGRAPHS 44 TO 50 INCLUSIVE.—ZILLAH BARELLY.]

Paragraph 44. Mentions the very large increase in the income of business, and the creditable exertions, by which it has been successfully met, and alludes to an error on the part of the ministerial officers of the Judge's Court, by which the numerical arrear of older date than 1844 has been augmented.

Paragraph 45. Adverting to the onerous duties of this Judgeship and describing the business, Civil and Criminal, disposed of by the Officiating Judge [Mr. J. Lean] and Officiating Additional Judge [Mr. C. W. Fagan] mentions the heavy accession of labor occasioned by the income of cases under Regulation III. of 1828, and expresses an opinion favorable to the permanent appointment of a second Judge.

Paragraph 46. In noticing the labors of the late Principal Sudder Ameen, [Mr. Berkeley] with commendation, expresses an expectation that he will be worthily

succeeded in his high office by the present incumbent, Mr. J. P. Ledlie, formerly attached to this Court.

Paragraph 47. Details the regular and miscellaneous cases decided by the Sudder Ameens of Barelly and Pillibheet, as creditable to their industry, and adds the opinion of the Officiating Judge [Mr. J. Lean] on the merits of each, favorable to the latter, and otherwise, as regards the former.

Paragraph 48. Reviews the operations of the Moonsiffs' Courts in terms commendatory of their efficiency, and notices the character of their decisions; adverts specially to the superiority of judgment exhibited by the Moonsiffs of Barelly and Budaon.

Paragraphs 49 and 50. Give a statement of expense incurred in maintaining Moonsiffs' Courts as compared with the revenue from stamps, the latter being in excess, and, relatively to Mr. Lean's omission to notice the state of Record department, conclude that the efficiency, introduced by Mr. Pidcock, continues.

[PARAGRAPHS 51 TO 57 INCLUSIVE.—ZILLAH AGRAH.]

Paragraph 51. Notices general results of operations, and with reference to the smaller quantity of business dispatched, mentions changes of incumbency which occurred; also alludes to orders issued by Court regarding 2 old cases in Agrah Moonsiffs' Court, considered to have been somewhat needlessly protracted.

Paragraph 52. Describes the business, disposed of by Judge [Mr. J. S. Boldero] and Principal Sudder Ameen, severally, as equal to the demands on their exertions, advocates the expediency of enlarging the jurisdiction of this Judgeship, and mentions the favorable result of appeals, heard by Judge, from Principal Sudder Ameen's orders.

Paragraph 53. After alluding to demise of Sudder Ameen [Surubsookh Rae] and the consequent arrangements, mention in detail the performances of the several officers employed, and the mode in which appeals from their judgment ended which is deemed favorable.

Paragraph 54. Having reported amount of business disposed of in the [5] Moonsiffs' Courts adds remarks on the large proportion of regular causes adjusted, and applications for execution of Decrees, struck off on default, with reasons alleged by Judge for the same, and gives a statement, shewing the creditable results of appeals from Moonsiffs' decisions.

Paragraph 55. Treats of Cost incurred in maintenance of Subordinate Courts, and delay, which has occurred in revision of their jurisdictions.

Paragraph 56. With reference to erection of new Court House, mentions sanction given by Court to destruction of old records, and the directions given on the subject.

Paragraph 57. States result of appeals, heard by Sudder Dewanny Adawlut from this District, as unusually unfavorable, and adverts to the disuse of Regulation VI. of 1832.

[PARAGRAPHS 58 TO 65 INCLUSIVE.—ZILLAH FURRUCKABAD.]

Paragraph 58. Remarks on the general results of administration, as compared with 1843, and on the causes of the deficiency apparent in the quantity of work brought to a termination, and speaks in terms of warm commendation of the efforts made by the late Judge [Mr. Cartwright] to improve the efficiency of the subordinate tribunals.

Paragraphs 59 and 60. In connection with the business disposed of in the Judge's Court, notice the effect of Act XII. of 1843 in reducing its quantity in the regular department, and of other orders in similarly diminishing the institution of Miscellaneous work: also advert to Mr. Cartwright's useful employment in the compilation of Register Books for the use of the Moonsiffs, and the decreased use of Regulation VI. of 1832.

Paragraph 61. After alluding to the disparaging remarks of Mr. Cartwright regarding the Principal Sudder Ameen's [Mr. J. Mercer] services, describes the work performed by him, and, admitting its sufficiency as regards quantity, finds fault with its quality, as evidenced by the issue of appeals, heard by Judge, and by the incidental revision of a decision passed by him not satisfactorily explained.

Paragraph 62. Details the performances of the Moonsiffs, which are considered creditable, and, annexing an extract from appeal Statement, comments on the character and judicial qualifications of these Officers, who, with one exception, receive the Judge's commendation. The judicial capacity of Sheikh Momin Alee particularly noticed.

Paragraph 63. States Cost of Moonsiffs' Courts, as nearly counterbalanced by Revenue from Stamp, mentions cause of delay in adjustment of jurisdictions, and, the unexceptionable condition of record department.

Paragraphs 64 and 65. Recapitulate the substance of a correspondence regarding the extent of immunity conferred upon the Nuwab Raes of Furruckabad by Section 8, Regulation II. of 1803, as being not altogether unconnected with considerations of political importance.

[PARAGRAPHS 66 TO 72 INCLUSIVE.—ZILLAH MYNPOOREE.]

Paragraph 66. Compares the state of the general file with that in 1843, and pronounces the result of operations creditable, especially in the reduction of the number of old cases.

Paragraph 67. Reviews work done by Judge [Mr. C. F. Thompson] and notices his active supervision of the lower tribunals with praise: mentions his being much occupied in Criminal duties and the result of appeals heard by Sudder Dewanny Adawlut from his Court.

Paragraph 68. In reporting amount of business performed in Principal Sudder Ameen's Court, alludes to impediments resulting from frequent changes of incumbency, and expresses a hope of the present Officer [Fuzl Uzeem] becoming an efficient coadjutor, notwithstanding his discontent at his present position.

Paragraphs 69 and 70. Describe the vacations of Office in the Moonsiffs' Courts and the results, satisfactory notwithstanding, of their operations, and, with reference to annexed Extract from Appeal Statement, give an epitome of the Judge's remarks in regard to the conduct and qualifications of these Officers.

Paragraphs 71 and 72. Advert to cost of Moonsiffee Establishments, as compared with Stamp revenue realized, to the adjustment of subordinate jurisdictions, and the efficient condition of the record department.

[PARAGRAPHS 73 TO 80 INCLUSIVE.—ZILLAH CAWNPORE.]

Paragraph 73. Deduces from Statements testimony of the zeal applied by Judge [Mr. A. Speirs] to the supervision of the subordinate Courts, mentions steps taken by Court in regard to long-standing cases on revision of periodical returns, and adverts to the increase of suits for rents of land, and to the operation of Act VI. of 1843 in augmenting Miscellaneous business in the inferior Courts.

Paragraph 74. After detailing the business dispatched by Judge, notices his remarks on Regulation VI. of 1832, and on certain frauds connected with the Miscellaneous department, with Court's opinion, as conveyed to Judge.

Paragraph 75. Mentions Principal Sudder Ameen's more extensive occupation in Magisterial duty, describes the quantity of Civil business transacted in all departments, and pronounces the issue of appeals from his orders, unfavorable to his judgment.

Paragraph 76. Refers smaller amount of work done by Sudder Ameen to a falling off in the income of business, and, after commending his activity in the execution of Decrees, expresses disappointment at the indications of the Appeal Statement.

Paragraphs 77 and 78. Having adverted to vacations of Office in the Moonsiffs' Court, review the results of their labors, [satisfactory], both collectively and individually, add a Statement, exhibiting the mode in which appeals from their orders were adjudicated, and mention cost of the Establishments, the progress made in the revision of jurisdictions, and adjustment of records.

Paragraph 79. Appends [C] correspondence, illustrative of the operation of the Court's Circular Order No. 208, dated 24th June, 1842, and states observations of Court on the plan, proposed by Judge, for expediting the refund of value of stamped paper.

Paragraph 80. Notices the mode, in which appeals were decided by Sudder Dewanny Adawlut from the Courts of this District.

[PARAGRAPHS 81 TO 87 INCLUSIVE.—[ZILLAH FUTTEHPORE.]

Paragraph 81. Compares the aspect of business generally with that in 1843, describes the character and condition of long-standing arrear, and adverts to injunctions issued by Court in regard to miscellaneous branch of work.

Paragraphs 82 to 83. After noting frequent mutations of incumbency in Judge's office, detail work dispatched by the several officers employed, and allude to small

use of Regulation VI. of 1832, with alleged cause; state the result of appeals decided by Sudder Dewanny Adawlut.

Paragraph 84. Remarks on the operations in the Principal Sudder Ameen's Court, and retirement of the late incumbent [Mohomed Shukoor] as precluding the necessity of expressing any opinion regarding his judicial qualifications.

Paragraph 85. Alludes to the limited income of business in the Moonsiffs' Court, as preventive of a larger quantity being disposed of, and mentions the well merited advancement of Nundloll, Moonsiff of Futtehpore to higher grade.

Paragraph 86. With reference to Court's Report for 1843, reports result of Court's enquiries regarding the character, and qualifications of Jehanabad Moonsiff [Emadool Hussun] and orders issued on the subject, and gives a Statement of expense, incurred in maintaining Moonsiffee Establishments.

Paragraph 87. Remarks on the practice of collusive litigation, and the sale of unrecorded Huq-o-Moorafiq, and adverts to correspondence on the subject of the erection of a new Court House.

[PARAGRAPHS 88 TO 95 INCLUSIVE.—ZILLAH BUNDELKUND.]

Paragraph 88. Considers the reduction in the number of old cases a favorable feature, and after taking a general view of the state of business, alludes to the large proportion of miscellaneous cases struck off on default by Moonsiffs with orders passed on the subject by the Court.

Paragraph 89. Notices the work done in Judge's Court by two officers [Mr. J. Lean, Officiating, and Mr. G. Lindsay, Judge] and the practical inoperativeness of Regulation VI. of 1832.

Paragraphs 90 and 91. After detailing the performances of Principal Sudder Ameen, in Civil and Criminal departments, refer to the Appeal Statement, and opinion of Judge, as bearing testimony to that officer's judgment, and uprightness of conduct, and note the mode, in which appeals from this District were determined by Sudder Dewanny Adawlut.

Paragraphs 92 and 93. Report on the work dispatched by the [3] Moonsiffs, with remarks on the character of their proceedings, and on the result [rather unfavorable] of appeals from their decisions, and state the comparative cost of the Establishments; mention cause of delay in adjustment of their jurisdictions.

Paragraph 94. Mentions orders passed by Court on a proposal, made by Judge, for more speedy punching of old Stamps, and recapitulates purport of correspondence relative to the mode of serving notice on foreigners under Regn. XIV. of 1829.

Paragraph 95. Refers to Appendix [F] to Civil Report for 1843, as descriptive of the State of the records of this Judgeship.

[PARAGRAPHS 96 TO 103 INCLUSIVE.—ZILLAH ALLAHABAD.]

Paragraph 96. Notices, as creditable to Judge [Mr. A. Lang] and his subordinates, the progressive improvement during the last five years in the conduct, and condition of Civil business, with Statement, illustrative thereof.

Paragraph 97. Reports on Judge's individual performances, his active superintendence of the Lower Courts, and his frequent occupation in Criminal duties, and, after, alluding to correction of Judge's misunderstanding of Court's remarks on the subject of Juries, exhibits the result of appeals, heard by Court, from Judge's orders.

Paragraphs 98 and 99. Attribute comparative deficiency of Principal Sudder Ameen's work to smallness of business instituted and referred to him, and pronounce issue of appeals from his decisions to be little creditable to his judgment: also advert to proposed abolition of Sudder Ameen's Court, and the arrangements consequent on its being disallowed by Government.

Paragraph 100. Commends the industry and ability of the Moonsiffs generally, as shewn by the business dispatched, and the creditable manner, in which appeals terminated: notices an exception in Moonsiff of Phoolpoor [Juggernath.]

Paragraphs 101 and 102. After stating cost of Moonsiffee Establishments, is compared with stamp revenue realized [the latter being in excess] express the opinion of the Court on the subject of the incapacity of the Government Pleader, and allude to other matters mentioned by Judge, viz. the inadequacy of the Moonsiffs' ministerial establishments, and the necessity of a Nazir being appointed.

Paragraph 103. Alludes to correspondence regarding the modification of the Law of procedure, advocating its assimilation in all the Courts.

[PARAGRAPHS 104 TO 111 INCLUSIVE.—ZILLAH GORUCKPORE.]

Paragraph 104. Comments on the increase apparent in the income of Civil business, and considers the performances of the judicial body creditable with reference to its reduced strength during the past year; explains character and condition of old arrear.

Paragraph 105. After detailing the Judge's [Mr. H. Pidcock] personal performances, calls particular attention to his practice, of promptly deciding miscellaneous cases, as being worthy of general adoption, and subjoins his successor's [Mr. E. A. Reade] explanation of the increase in the number of applications for foreclosure of mortgage, with Court's remarks on the subject.

Paragraphs 106 and 107. Allude to interruptions of incumbency in Principal Sudder Ameen's office, and after describing the amount of business dispatched in these two Courts, notice the character of the present incumbents, and the general dislike shewn by Natives to Goruckpore climate, as illustrative of the difficulty of providing for the service there: also mention result of appeals heard by Court.

Paragraph 108. Adverts to the operations in Sudder Ameen's Court, with note of the several officers employed and their individual labors, and states mode, in which appeals ended.

Paragraph 109. Reviews the labors of the Moonsiffs, the extent and population of their jurisdictions as shewn in two marginal tables, and adverts to Mr. Reade's remarks on certain points connected therewith.

Paragraph 110. Pronounces the result of appeals from Moonsiffs' decisions generally creditable to their discrimination, and, with reference to paragraph 108 of Report for 1843, states that the experimental plan of investing them with penal powers was not introduced within the last year.

Paragraph 111. Discusses various subjects of importance adverted to by Mr. E. A. Reade in his Report.

[PARAGRAPHS 112 TO 120 INCLUSIVE.—ZILLAH AZIMGURH.]

Paragraph 112. Compares general result of operations with that in 1843, and ascribes its apparent inferiority to temporary reduction of Judicial Agency.

Paragraph 113. Notices the work performed by Judge [Mr. R. Neave] the extent of [trifling] to which Regulation VI. of 1832 was resorted to, and the result of appeals heard by Sudder Dewanny Adawlut from this Court.

Paragraph 114. Reports on the performances of Principal Sudder Ameen [Mahomed Luteef] and adverts to Judge's commendatory mention of his conduct; also pronounces issue of appeals from his decisions, heard by Judge and Sudder Dewanny Adawlut, as indicative of greater care and better judgment.

Paragraphs 115 and 116. After alluding to interruptions, caused by late Sudder Ameen's removal, detail the work dispatched in this Court, remark on the less favorable termination of appeals from Kazee Yar Alee's orders, and refer to correspondence touching the abolition of Sudder Ameen's Office.

Paragraphs 117 and 118. Notice with praise the labors of the Moonsiffs, as shewn by the returns, and the generally creditable result of appeals from their Courts, with remarks regarding the character of one [Heyet Loll] and add a Statement shewing the excess of Stamp revenue over cost of Moonsiffee Establishment.

Paragraphs 119 and 120. Report completion of re-adjustment of subordinate jurisdictions, and the condition of the records, with description of the system of arrangement followed.

[PARAGRAPHS 121 TO 129 INCLUSIVE.—ZILLAH JOUNPORE.]

Paragraph 121. Considers the general results, exhibited, satisfactory, and regards the paucity of old cases particularly as a creditable feature.

Paragraph 122. Describes the business dispatched by Judge [Mr. R. J. Tayler] with remarks.

Paragraph 123. After detailing the result of Principal Sudder Ameen's labors, and the interruptions caused by changes of incumbency, adverts to the large proportion of applications for execution of Decree, struck off on default, as worthy of attention: absolves Judicial functionaries from blame.

Paragraph 124. Expresses opinion of Court [as deduced from Appeal Statement and revision of past year's proceedings,] in regard to merits and qualifications of late incumbents in Office.

Paragraphs 125 and 126. Having mentioned business dispatched in the Sudder Ameen's [late] Office, examine the operations of the Moonsiffs' Courts, with praise

of the industry and judicial efficiency, which they exhibit, and refer to correspondence on the subject of claims advanced by Kazee Zeeaoollah to promotion, and the cause of their rejection.

Paragraphs 127, 128 and 129. Relate to the efficient condition of the records, the comparative cost of Moonsiffee Establishments and the causes which have delayed the re-adjustment of jurisdictions.

[PARAGRAPHS 130 TO 136 INCLUSIVE.—ZILLAH MIRZAPOOR.]

Paragraphs 130 and 131. Compare state of business with that in antecedent year, which, considering reduced strength of judicial agency, is creditable, and, after detailing work done by Judge [Mr. A. P. Currie] notice operation of Regulation VI. of 1832 and the result of appeals, heard by Sudder Dewanny Adawlut.

Paragraph 132. Reports on performances of Principal Sudder Ameen, alludes to circumstances of his [Pundit Beerbul] retirement, and his successor's [Mr. J. Campier] appointment, and expresses a hope of his proving efficient in his new sphere of duty, states result of appeals.

Paragraphs 133 and 134. Describe the business dispatched by Moonsiffs, Mr. McGowan of Mirzapoor having surpassed the others, advert to question of reducing present agency, and, after examining the character of their decisions, as shewn by result of appeals, mention the displacement of one [Kuchwa Moonsiff] for evading examination directed.

Paragraphs 135 and 136. Have reference to general efficiency of local tribunals, and the assortment of Records, and subjoin a statement, shewing cost of Establishments as compared with stamp revenue realized.

[PARAGRAPHS 137 TO 145 INCLUSIVE.—ZLLAH BENARES.]

Paragraph 137. Gives credit to Judge [Mr. D. B. Morrieson] for an able conduct of the Civil administration, and, in support of this opinion, reviews the state of the file, as regards old cases, for the last three years.

Paragraphs 138 and 139. Pronounce work done by Judge creditable to his personal assiduity: adduce reason to shew cause of falling off in miscellaneous work, and, after cursory allusion to working of Regulation VI. of 1832, states steps, taken by Court to correct a practice prevailing, contrary to Clause 3, Section 16, Regulation V. of 1831—no appeals decided by Sudder Dewanny Adawlut, from this Court.

Paragraph 140. Alludes to change of incumbency in Principal Sudder Ameen's office, and reports favorably on the performances of the newly inducted functionary, with remarks as to the inability of the Court to deduce from present returns any opinion of his ability.

Paragraphs 141 and 142. After referring to correspondence on the subject of abolishing Additional Principal Sudder Ameen's Court, describe the work done by Mr. Campier, and allude with expressions of regret to Judge's unfavorable estimate of his character, and the equally unfavorable issue of appeals from his

decisions; state the result of appeals heard by Sudder Dewanny Adawlut, from the Principal Sudder Ameen's Courts.

Paragraph 143. States results of the [5] Moonsiffs' labors, as bearing testimony to their diligence and reports on the unsatisfactory state of the Register Books in the Mendooa Deeh Court, with steps taken to correct the same.

Paragraph 144. Gives extract from Appeal Statement—which is considered pretty favorable, adverts to Judge's opinions in regard to the merits of the Moonsiffs, severally.

Paragraph 145. Alludes to cost of establishment, to Judge's opinion in regard to Moonsiffs' ministerial establishments, and to the condition of the record department.

[PARAGRAPHS 146 TO 154 INCLUSIVE.—ZILLAH GHAZEEPORE.]

Paragraph 146. Adverts to the paucity of old suits, and the recent institution of those depending, as being indicative of industrious and well-directed exertion, and of careful supervision on Judge's part.

Paragraph 147. Reports on the performances of Judge [Mr. A. C. Heyland,] and with reference to his remarks on Regulation VI. of 1832, expresses Mr. Davidson's opinion in favor of extending its provisions to Principal Sudder Ameens.

Paragraphs 148 and 149. Notice in terms commendatory of their diligence, and judicial aptitude, the work done by the Principal Sudder Ameen and Sudder Ameen.

Paragraphs 150 and 151. Detail the results of the Moonsiffs' industrious exertions, advert to improvement apparent in Rusreh Moonsiff's proceedings—formerly declared faulty, and notice issue—with one exception favorable—of issue of appeals from the decisions of these functionaries.

Paragraph 152. Describes modifications made in Moonsiffs' jurisdictions, and gives a comparative Statement of Expense of Establishment, and amount of stamp revenue, the latter being in excess.

Paragraph 153. In connection with operation of Circular Order dated 24th June, 1842, adverts to the expense incurred in obtaining copies of settlement proceedings from Collector's office, and the necssity of means being taken for its reduction.

Paragraph 154. After mentioning steps taken by Court in reference to certain general questions, touched upon in Judge's report—namely, prevention by Circular Order of delay on part of Ameens,—the extension of Moonsiffs' powers relative to contumacious witnesses, &c. reports that record department is in good order.

[PARAGRAPHS 155 TO 160 INCLUSIVE.—KUMAON.]

Paragraph 155. Contrasts results exhibited in returns for 1844 with those for antecedent year, with remarks regarding successful operation of the system of administration.

Paragraph 156. Subjoins statement of business dispatched in all the Courts of this Province, and recites instructions issued by Court touching the proposal of Senior Assistant for re-introducing the use of stamps.

Paragraphs 157 and 158. Pronounce labors of these functionaries in miscellaneous department satisfactory, and notice the very satisfactory issue of appeals heard, with alleged cause.

Paragraph 159. States extent to which the aid of Punchayets, &c. was used.

Paragraph 160. Adverts to correspondence with Government regarding the extension of Registry Act to Kumaon, and to the remarks communicated to Commissioner [Mr. G. T. Lushington] on the subject of giving effect to Act XII. of 1843; states that no re-adjustment of jurisdictions is required.

[PARAGRAPHS 161 TO 165 INCLUSIVE.—SIMLA.]

Paragraphs 161, 162 and 163. After mentioning increase of business instituted and adequacy of establishment, describe work done by Sub-Commissioner [Mr. J. C. Erskine] and Assistant [Mr. B. Hodgson] in Regular and Miscellaneous departments, with remarks, laudatory of latter's diligence.

Paragraph 164. The mode in which appeals ended, no less than their paucity, considered creditable to Mr. Hodgson.

Paragraph 165. Refers to correspondence with Sub-Commissioner, touching the intervention of the Governor General's Agent in hearing appeals from the Simlah Courts, and states opinion of Court that it is not contrary to Law, [Act XV. of 1836.]

[PARAGRAPHS 166 TO 185 INCLUSIVE.—SUDDER DEWANNY ADAWLUT.]

Paragraph 166. Details in a tabular form the number and description of Cases disposed of by Sudder Dewanny Adawlut.

Paragraph 167. Refers to temporary absence of some of the Judges during the past year.

Paragraph 168. States that the business disposed of by Sudder Dewanny Adawlut is much more considerable in every department than the returns of 1843 exhibited, and that, under the operation of Act III. of 1843, applications for special Appeals, which require time in their disposal, have been more than doubled: Annexes Statements showing how the Regular and Special Appeals to the Court terminated.

Paragraph 169. Mentions amount of property under litigation before all the local Courts at end of year as well as the value of the appeals before the Sudder Dewanny Adawlut.

Paragraphs 170 and 171. Describe result of operations during the year, after exclusion of cases disposed of by the Court, and the authorities of Kumaon and Subathoo, and the character of the decisions, passed by each grade of local tribunals, and exhibit the proportion borne by appeals preferred to decisions recorded.

Paragraph 172. Hopes that the results, exhibited in Statement No. II. will be deemed satisfactory.

Paragraph 173. States that Statements Nos. III. IV. and V. call for no remark, and that the details of Statement No. VI. have been already noted.

Paragraph 174. Reports on the operation of Regulation VI. of 1832, and specifies the Districts in which its provisions were not had recourse to.

Paragraph 175. With advertence to Statement No. VIII. mentions the number of unexecuted decrees, pending in the several local Courts at the end of 1844, and comments on the general improvement perceptible in this Department; refers to two other Circulars, issued on the subject.

Paragraph 176. With reference to Statement No. XIII., incorporated for the first time with the regular annual series, states the number of applications for execution of Decree preferred, and how they were disposed of.

Paragraphs 177 and 178. Relate to the result of appeals preferred to Sudder Dewanny Adawlut, which is less favorable than that attained in 1843, and note the proportion remanded; submit a marginal table, illustrative of the operation of the Remand Law, in the Zillah Appellate Courts, progressive decrease of remands noticed, as favorable, mention two districts where a remarkable increase in the number of remanded suits is apparent.

Paragraph 179. Refers to Statement No. XII. exhibiting the number of appealable causes, determined by the several grades of Judicial Officers, which were carried up in appeal to the Superior Courts, and how they were disposed of.

Paragraph 180. States that the results, represented in Statements No. XVI. and XVII. regarding the Miscellaneous Department, are considered satisfactory.

Paragraph 181. Notices the new appointments to Office of Principal Sudder Ameen, made during the year 1844.

Paragraph 182. As desired by the Hon'ble the Court of Directors, appends a Statement, shewing the amount of costs in cases appealed to Queen in Council, recovered, and that still due; and refers to a new Act [No. II. of 1844] passed, by which the expense, attending the translation of cases appealed to England, is imposed upon the prosecuting parties.

Paragraph 183. Adverts, in favorable terms, to Act IX. of 1844, which makes suits, primarily cognizable by the Principal Sudder Ameens and Sudder Ameens, susceptible of institution in their Courts.

Paragraph 184. Intimates that Mr. Tayler, a Judge of the Court, is still engaged in preparing one uniform set of Register Books for the use of the Zillah and City Courts.

Paragraph 185. Hopes the general character of the operations will be deemed favorable, and concludes with expression of Court's satisfaction that the Native Judicial body, if well superintended, will continue to work with respectable efficiency and at little cost.

G. F. EDMONSTONE,

Register.

List of Original Enclosures.

No. 1,	Letter	from the Judge of Delhie,	... ...	No. 173,	dated 11th March, 1845.
No. 2,	ditto	... ... ditto of Seharunpore,	... ...	No. 61,	dated 7th April, 1845.
No. 3,	ditto	... ... ditto of Meerut,	... ...	No. 56,	dated 26th March, 1845.
No. 4,	ditto	.. ... ditto of Allygurh,	... ...	No. 33,	dated 21st May, 1845.
No. 5,	ditto	... .. ditto of Moradabad,	.. ..	No. 9,	dated 28th Feby. 1845.
No. 6,	ditto	late Offg. ditto of Barelly,	... and 1 Enclosure,	No. 21,	dated 15th May, 1845.
No. 7,	ditto	from the Judge of Agra,	... and 1 Enclosure,	No. 44,	dated 7th April, 1845.
No. 8,	ditto	... Offg. ditto of Furruckabad,	and 1 Enclosure,	No. 70,	dated 5th March, 1845.
No. 9,	ditto	from the Judge of Mynpooree,	... ...	No. 20,	dated 2nd June, 1845.
No. 10,	ditto	... ... ditto of Cawnpore,	... ...	No. 61,	dated 31st March, 1845.
No. 11,	ditto	... ... ditto of Futtehpore,	... ...	No. 6,	dated 12th March, 1845.
No. 12,	ditto	... .. ditto of Bundelkund,	... ...	No. 27,	dated 22nd March, 1845.
No. 13,	ditto	... ... ditto of Allahabad,	... ...	No. 22,	dated 12th March, 1845.
No. 14,	ditto	Offg. ... ditto of Goruckpore,	and 1 Enclosure,	No. 64,	dated 25th April, 1845.
No. 15,	ditto	late .. ditto of Goruckpore,	[Enclosure,]	No.	dated 3rd Feby. 1845.
No. 16,	ditto	Offg. ... ditto of Goruckpore,	and 1 Enclosure,	No. 95,	dated 17th June, 1845.
No. 17,	ditto	from the Judge of Azimgurh,	... .	No. 5,	dated 24th Jany. 1845.
No. 18,	ditto	... ... ditto of Jounpore,	... ...	No. 17,	dated 3rd Feby. 1845.
No. 19,	ditto	... ... ditto of Mirzapore,	... ...	No. 10,	dated 5th Feby. 1845.
No. 20,	ditto	... ... ditto of Benares,	and 1 Enclosure,	No. 37,	dated 19th Feby. 1845.
No. 21,	ditto	... ... ditto of Ghazeepore,	... .	No. 15,	dated 29th Jany. 1845.
No. 22,	ditto	Commissioner of Kumaon,	and 2 Enclosures,	No. 21,	dated 18th March, 1845.
No. 23,	ditto	... ... Judge of Simla,	... ...	No. 67,	dated 27th Feby. 1845.

G. F. EDMONSTONE,

Register.

APPENDIX A.

(Copies.)

No. 37.

To G. F. EDMONSTONE, Esquire,

Offg. Regr. to the S. D. Adawlut, N. W. Provinces,
Agra.

Sir,

I request that you will ascertain from the Judges of the Sudder Dewanny Adawlut whether the mere fact of any person being a Military Officer exempts him from the jurisdiction of the Mofussil Civil Courts, in actions for sums *not* exceeding 400 Rupees? or whether it be not necessary to such exemption that such person shall be residing in some place where the Company's Forces are employed?

2d. Act 3 and 4 Vic: Chapter 37, Section 54, lays down that the law shall take effect "in all places where the Company's Forces now are, or may be employed," &c. The limits of local jurisdiction are not well defined; and should a question arise on that point, I beg to be informed whether I am competent to decide it?

3d. The case which has given rise to the above enquiry is that of a Military Officer residing out of Cantonments and employed by Government on some duties connected with the Ganges Canal.

I have the honor to be, &c.,
(Signed) H. LUSHINGTON,
Judge.

Zillah Seharunpoor,
Judge's Office,
The 8th March, 1844.

No. 474 of 1844.

To J. HAWKINS, Esquire.

Register to the Sudder Dewanny Adawlut, L. P.
Fort William.

Sir,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, and
J. Davidson.
Judges.
Esquires.

I am instructed by the Court to transmit herewith copy of a letter, No. 37, dated 8th March instant, from the Judge of Seharunpoor, requesting instructions as to the liability of Military Officers, under certain circumstances stated, to the jurisdiction of the Company's Courts.

2. As the determination of the question involved a construction of Act III. and IV. Vic. Chapter 37, Section 54, it is deemed advisable to solicit the opinion of the Advocate General, to whom you are accordingly requested, with the permission of the Judges of the Calcutta Court, to submit the accompanying papers for the purpose indicated.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Register.

Agra, the 20th March, 1844.

ABSTRACT.

Sends for the opinion of the Advocate General in Calcutta copy of a letter from the Judge of Seharunpoor, requiring an exposition of Act III. and IV. Vic. Chap. 37, Section 54.

No. 650.

To G. F. EDMONSTONE, Esquire,

Regr. of the S. D. Adawlut for the N. W. Provinces,

Agra.

S. D. Adawlut. *Present:* C. Tucker, *Judge.*

Sir,

With reference to your letter, No. 474, dated 20th Ultimo, I am directed by the Court to transmit to you, to be laid before the Western Court, a copy of the Advocate General's opinion on the points mooted by the Judge of Seharunpoor.

I have the honor to be, &c.,

(Signed) J. HAWKINS,

Register.

Fort William, *The 19th April,* 1844.

From the Court to the Honorable Company's Attorney, No. 557, *dated 6th April,* 1844.

I am directed by the Court to request you will obtain the opinion of the Advocate General, on the points noticed in the accompanying copy of a letter from the Register of the Court of Sudder Dewanny Adawlut, for the North Western Provinces, and of its enclosure.

(Signed) J. HAWKINS,

Register.

From the Honorable Company's Attorney to the Court, No. 431, *dated the 15th April,* 1844.

With reference to your letter, No. 577, of the 6th instant, I have the honor to inform you, that I have obtained the opinion of the Advocate General on the points referred to therein, a copy of which opinion I now beg to annex.

(Signed) T. B. SWINHOE,

Atty. to the E. I. Company.

OPINION.

The 54th Section of the 3rd and 4th Vict. Chap. 37, declares the local jurisdiction of a Military Court of Requests to extend "to all places where the Company's Forces now are or may be employed &c. &c." But this exclusive privilege of suing and being sued in a Military Court would not belong to Officers, or others beyond the limits of the above mentioned very wide jurisdiction.

If an Officer be in other respects within the terms of the 54th Section, the mere circumstance of his residing out of cantonments would not be sufficient to give the Civil Magistrate the right to interfere in preference to a Military Court.

(Signed) J. EDWARDES LYALL,

[A true copy.] [True copies.]

(Signed) T. B. SWINHOE, (Signed) J. HAWKINS,

Atty. to the E. I. Company. *Register.*

No. 95.

To G. F. EDMONSTONE, Esquire,

Register to the S. D. Adawlut, N. W. Provinces,

Agra.

Sir,

It has become necessary that the Sudder Dewanny Adawlut should express their opinion regarding the liability of Military men to the Civil Courts under certain circumstances.

2. Under date 8th March last, I had the honor of requesting the opinion of the Court upon two points.

1st. Whether the mere fact of any person being a Military Officer exempts him from the Jurisdiction of the Mofussil Civil Courts, in actions for sums not exceeding Rupees 400? or whether it be not necessary to such exemption that such person shall be residing in some "place where the Company's Forces are employed?"

2nd. Should a question arise as to what constitutes such "place" is the Civil Judge competent to decide it?

3. The Sudder Dewanny Adawlut referred these points to the Advocate General who answered the first only, thus:

OPINION.

"The 54th Section of the 3rd and 4th Vict: Cap: 37, declares the local" jurisdiction of a Military Court of Requests to extend "to all places where the Company's Forces now are or may be employed, &c. &c." But this exclusive privilege of suing and being sued in a Military Court would not belong to officers, or others beyond the limits of the above mentioned very wide jurisdiction.

"If an officer be in other respects within the terms of the 54th Section, the mere circumstance of his residing out of cantonments would not be sufficient to give the Civil Magistrate the right to interfere in preference to a Military Court."

4. The first paragraph of this opinion clearly answers my first question, and declares that it *is* necessary to the "exemption" that parties claiming it should reside within certain "very wide" limits. The second paragraph cannot be intended to contradict the first, which it would do if it be understood to imply, that officers, being within the terms of the 54th Section in *all* other respects *except locality*, would enjoy the aforesaid exemption. It therefore can only mean "in other respects" than that of "residence in cantonments," that is to say, if the Officer be in a Camp, or a Garrison, or other "place where troops are serving."

5. My second question has not been noticed, and I therefore conclude that I *am* competent to decide in the first instance what place, is a "place where troops are serving."

6. If it had been intended that the Law should refer to the professional character of the individual, and *to nothing else*, the Act of Parliament would have been worded like Regulation XI. of 1841,* which applies to *native* soldiers &c. "within the territories of the East India Company."

* (Section 2)

7. I request the opinion of the Sudder Court, whether the view which I have taken of the subject is correct or not; and to shew the necessity of some such authoritative declaration, I submit copies of some correspondence connected with this question. British subjects are naturally, and not improperly, tenacious of their rights, and so long as Captain Kirke whose office brings him constantly before the Courts, considers that the Civil Courts have no jurisdiction over him he will continue a line of conduct which has lately subjected him to the penalty of a fine. If the Sudder Dewanny Adawlut will declare my view of the case to be wrong, it will be easy to refrain from further interference with the Superintendent of the Dhoon Canals, if they will declare my view to be correct, no one will, after that, dispute the authority of the Principal Sudder Ameen of Deyrah Dhoon.

8. I have not alluded to the *consequences* of Captain Kirke's view of the case being upheld, as that is not the point. The question is one of Law, not of expediency. But if, in virtue of their Military character, all Officers engaged in commercial transactions with the natives, are responsible for sums under Rupees 400, to a Court of Requests only, it will be necessary to provide some more efficient machinery, than that contemplated in the concluding paragraph of Captain Kirke's letter dated 14th June, 1844.

"I have written to Captain Fisher to assemble a Court of Requests, for the trial of all the complaints against me *which may be in your office*, as well as any others which may be lodged, in the Station Staff Office."

9. The point at issue is this, B a Military Officer is employed by Government to dig a Canal and build bridges, in a part of the country far away from any Camp, Garrison, Cantonment, Military Station, or from any other place which is held by the *Civil Authorities* to be a "place where troops are serving" within the meaning of the Act: B contracts with C, a Native Merchant or Zemeendar, for a supply of wood or bricks, value 300 Rupees. B, fails in his part of the contract. In what Court is C to sue B?

I have the honor to be, &c.,

(Signed) H. LUSHINGTON,

Judge.

Zillah Seharunpoor,
JUDGE'S OFFICE,
The 17th June, 1844.

No. 1211 of 1844.

To J. HAWKINS, Esquire,

Register to the Sudder Dewanny Adawlut,

Fort William.

Sir,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, and
J. Davidson,
Judges.
} Esquires.

With reference to my letter No. 474, dated 20th March last, I am directed to transmit herewith copy of another* letter from the Judge of Seharunpoor, relative to the liability of Military men to the Civil Courts under certain circumstances, upon which a further and more precise expression of the Advocate General's opinion seems to be imperatively needed. As observed on the former occasion above alluded to, the question involves the interpretation of an Act of Parliament, which is a matter beyond the province of this Court, and you are therefore requested, with the permission of the Sudder Dewanny Adawlut in Calcutta, to lay the enclosures before the Advocate General with a request, that he will favor the Court with an elucidation of paragraph 2 of his opinion first recorded, and with his views as to the liability of B, under the supposititious circumstances described by Mr. Lushington in the 9th paragraph of his letter, to the jurisdiction of the Company's Civil Courts.

* No. 95, dated 17th ultimo with annexures.

2. The correspondence annexed to Mr. Lushington's address demonstrates the necessity of some authoritative declaration on the subject under discussion, the importance of which in an administrative point of view must plead the excuse of the Court for again troubling the Advocate General.

I have the honor to be, &c.

(Signed) G. F. EDMONSTONE,

Agra, the 10th July, 1844. *Register.*

ABSTRACT.

Sends copy of another letter from Judge of Seharunpoor and requests elucidation of paragraph 2 of Advocate General's former opinion regarding liability of Military Officers to Civil Courts under certain circumstances.

No. 1202.

To G. F. EDMONSTONE, Esquire,

Register of the S. D. Adawlut for the N. W. Provinces,

Agra.

Sir,

S. D. Adawlut,
Present:
J. F. M. Reid,
Judge.

I am directed by the Court to acknowledge the receipt of your letter No. 1211, of the 10th Ultimo, and in reply to transmit to you, to be laid before the Western Court, a copy of the opinion of the Advocate General on the points referred to him.

I have the honor to be, &c.

(Signed) J. HAWKINS,

Fort William,
The 9th August, 1844.
} *Register.*

ADVOCATE GENERAL'S OPINION.

I fear I cannot express myself more distinctly than I have already done on this subject; nor can I remove the difficulty which Mr. Lushington and Mr. Edmonstone have experienced from the vagueness of expression in the 54th Section of the Mutiny Act, whether any particular place can be said to be a "place where troops are serving," is a question which Courts and Judges must determine for themselves; and, if they desire a more explicit rule for their guidance, they must apply to the Legislature for assistance.

I have clearly stated, in the 2nd paragraph of my opinion, that I see no reason to think the different persons enumerated in the 54th Section must all necessarily reside in Cantonments, in order to render them amenable to a Military Court of Requests, although persons residing in Cantonments are made amenable on that account alone.

In conclusion, I have only to add, that I should be disposed to agree with the Civil Authorities in their construction of the 54th Section, and that it was not intended to apply to civil contracts entered into by Military men, in a part of India far away from any station, Garrison, or "place in which troops are serving." To hold a different doctrine would be very inconvenient; besides, as the 54th Section is an exception to the general law, by which all other persons are affected, I should not consider myself at liberty to give it a more liberal interpretation than the terms strictly warranted me in doing. Whether or not troops are serving in any given place, is a question of fact rather than law, which the Judge must determine on his own responsibility.

(Signed) J. EDWARDES LYALL.

[True copy.]

(Signed) J. HAWKINS, *Register.*

[True copies.]

G. F. EDMONSTONE, *Register.*

APPENDIX B.

No. 407 OF 1845.

To H. M. ELLIOT, ESQUIRE,

Secy. to the Sudder Board of Revenue, N. W. Provinces,

AGRA.

SIR,

S. D. A. N. W. P.
Present.
G. P. Thompson, and
J. Davidson,
Judges.
} Esqrs.

Having submitted your letter No. 2, dated 11th instant, and the correspondence which accompanied it, for the consideration of the Court, I have received their instructions to reply to the enquiries of the Sudder Board in the following observations.

2. The determination of the question proposed in your letter depends, I am directed to remark, on the applicability or otherwise of the Rules, laid down in Act XII. of 1841, to the sales of the rights and interests of persons in land, in execution of Decrees of the Civil Courts; if the provisions of that Law be considered to extend to such sales, the Collector of Allahabad acted correctly in carrying the forfeited deposit of a defaulting purchaser to the credit of Government, and if, on the other hand, it be found that the enactment in question is exclusively applicable to sales, made in liquidation of arrears of revenue, due to Government another inference will follow.

3. On a recent occasion, I am directed to state, when this subject was brought under discussion, it was held by the Court, that since rescission of Sections 2 to 11, 13 and 14, Regulation XXVI. of 1803, by the enactment of Regulation XI. of 1822, or in other words, during the last 22 or 23 years, no specific Law, had been in force for conducting sales in satisfaction of Decrees of the Civil Courts, and that the practical adaptation of the last cited Regulation and of Act XII. of 1841 to such sales could be justified only by considerations of expediency or by the pressure of absolute necessity.

4. Thinking, that the Rules prescribed by Act XII. of 1841, are exclusively applicable to the conduct of sales made with the sanction of the Sudder Board of Revenue, for the realization of arrears of revenue, the Court are clearly of opinion, that in the instance referred to in the correspondence under notice, and all other, of the same nature, the forfeited Deposit should be carried to the credit of the Decree-holder, and not to that of Government, who can assert no sustainable claim, or title thereto. It behoved the Collector of Allahabad, the Court observe, to solicit the instructions of the Judge, for his guidance in a matter unprovided for by Law, or other authoritative order.

5. It may not be irrelevant to advert in vindication of the principle, which the foregoing opinion involves, to the 4th paragraph of a Circular* Order issued by the Court under date the 23rd August, 1842, which prescribes that "in the event of a sale not becoming final, the amount of deposit forfeited shall be carried to the credit of the owner of the property, for *the benefit of the Decree-holder*," and to the 7th Section of a proposed Act for the better execution of Decrees (ordered to be reconsidered on the 15th March, 1845,) which enacts, that "if the purchaser shall omit to pay the purchase money the deposit shall be forfeited, and shall be applied as if it were purchase money."

* V. P. 259, Vol. III. Printed Circulars S. D. Adawlut.

6. A copy of this letter will be forwarded for the information and guidance of the Judge of Allahabad, with special reference to his quarterly report, relating to unexecuted decrees for the 4th quarter of the past year,—in which the case under notice is included.

7. The original enclosures of your letter are returned, copy of the Commissioner's address having been retained for record.

I have the honor to be, &c.

(Signed) G. F. EDMONSTONE, *Register.*

Agra, the 24th February, 1845.

[True copy.]

G. F. EDMONSTONE, *Register.*

ABSTRACT.

Answers queries propounded in letter, No. 2, dated 11th Instant, regarding the disposal of money deposited by a defaulting purchaser.

APPENDIX C.

(Copies.)

No. 126 of 1844.

To G. F. EDMONSTONE, Esquire,

Register to the S. D. Adawlut, N. W. Provinces,

Agra,

Sir,

Dewanny Adawlut. I have the honor to acknowledge the receipt of your letter No. 1092, of the 11th June, 1844, desiring to know how far the rules prescribed by Circular Order Sudder Dewanny Adawlut, No. 208, dated 24th June, 1842, have been practicably introduced, and with what degree of success the operation thereof, so far as it has fallen under my observation, has been attended.

2. I have little or nothing to add to what I have stated in the 19th paragraph of the Report for 1843. The rules in question have never been generally practically introduced. At first I was careful in pointing out one apparent deviation shewn on the face of the plaint as soon as given in, and before the case was registered shewed what under the rules in question was required and gave them the opportunity of supplying the deficiency: this directed the attention of the Vakeels and others to the subject; the attention of the Subordinate Courts was at the time particularly directed to the rules, but in several cases they were not attended to, and a few cases have consequently on appeal been non suited. In these cases (or some at all events) the Moonsiff and Vakeels have been called upon to explain why the rules had not been attended to: this course has also had the effect of directing attention to the subject. The rules are, I think, most advantageous; in no case yet before me do I recollect that the observance would have been otherwise than fitting, tending to the elucidation of the subject in dispute. The only portion of the rule which might be difficult to act on is the latter part of Rule 3 in which the plaintiff is required to state incidental privileges, but as yet I have heard of no dispute on the subject.

Cawnpoor,
The 25th June, 1844.

I have the honor to be, &c.
(Signed) A. SPEIRS, *Judge.*

ABSTRACT.

In reply to letter No. 1092, refers to the 19th paragraph of the Report for 1843, as to the operation of the Rules prescribed in Circular Order No. 208, of 24th June, 1842, and offers some further remarks.

No. 148 of 1844.

To G. F. EDMONSTONE, Esquire,

Register to the S. D. Adawlut, N. W. Provinces,

Agra.

Sir,

Dewanny Adawlut. With reference to my letter No. 126, dated the 25th June last, regarding the operation of the Circular Order of 24th June, 1842, I beg

to remark, what I then omitted to note, that a strict adherence to the letter of Rule 3 in all cases is not requisite; it often happens that a man sues for a share (according to the geneological tree) of a puttee, in such a case the plaintiff cannot indicate the fields sued for, he must often sue as a person would do in a Zemindaree estate, the whole hitherto undivided puttee constitutes, till divided, a common property, and each sharer is often entitled as in Zemindaree estates to a certain proportion of the whole, usually represented in fractional portions of an anna or Begah.

I have the honor to, be &c.,

(Signed) A. SPEIRS, *Judge.*

ZILLAH CAWNPOOR,
The 1st August, 1844.

ABSTRACT.

Offers some further remarks regarding the operation of Circular Order of 24th June, 1842.

(True copy.)

G. F. EDMONSTONE, *Register.*

APPENDIX D.

(Copy.)

No. 2149.

To J. HAWKINS, ESQUIRE,

Register Sudder Dewanny Adawlut,
FORT WILLIAM.

S. D. A. N. W. P.
Present:
G. P. Thompson and J. Davidson, *Judges,* Esquires.

SIR,

I am directed to transmit to you copies of the correspondence, particularized in the margin, with the Judge of Bundelkhund, for the purpose of being laid before the Calcutta Court for their opinion on the questions at issue.

From Judge of Bundelkhund, No. 76, dated 1st July, 1844, with its English enclosures.
To Judge of Bundlekhund, No. 1783, dated 7th October, 1844.
From Judge of Bundelkhund, No. 120, dated 14th ultimo.

2. The correspondence originated, it will be observed, in an application, submitted by Mr. G. Lindsay, for permission to review his judgment in a suit, instituted by certain parties for the recovery of a sum of money, loaned to inhabitants of the Territory of Rajah Bukht Singh, of Ojey Gurh, which is exempted by Regulation XXII. of 1812 from the operation of the general regulations, and the jurisdiction of the Civil and Criminal Courts of judicature, established by the British Government: in my letter No. 1782, dated 7th October last, the Judge was informed, with reference to the foregone correspondence, that the orders of Government dated 24th December, 1832 [Copy of which is annexed] could not be considered inconsistent with, or abrogatory of, the legal provisions contained in Regulation XIV. of 1829, and that both these authorities, the Legislature and the Government, contemplated the admission of suits against parties residing in foreign

Territory, where any portion of the property of such parties might be, or the cause of action might have arisen within the limits of the British Possessions.

3. The Judge of Bundelkhund in his last letter dated 14th ultimo, apparently considering this opinion inconsistent with the legal exemption, enacted and declared by Regulation XXII. of 1812, desires to be informed whether it has been superseded by Regulation XIV. of 1829, and further, supposing the cause of action to have arisen within the British Possessions he wishes to know, how in such a case notice is to be served on a defendant residing in Foreign Territory.

4. As regards the first point, the Court confess their inability to discover the incompatibility of the opinion, which they have expressed, with the express provisions of Regulation XXII. of 1812, or with the general principles of the Law, by which the administration of Civil Justice is governed; although questions connected with the property and possession of *land*, or any right thereupon contingent, or with real property, generally, situate within the limits of the Territories and Jagheers specified in that Regulation, are not cognizable in the established Courts of judicature, yet this exemption cannot be considered to confer upon the inhabitants of those Territories and Jagheers immunity from all debts and obligations, which may have been, or may hereafter be, contracted within the legitimate jurisdiction of the Civil Courts, established by the British Government; Mr. Lindsay observes, that, he "finds no mention made of the cause of action either in the Government letter," or in Regulation XIV. of 1829, but no importance can be attached to this omission, if such indeed it be, for both the spirit and the letter of the whole body of the Civil Regulations, establish the principle, that a suit may be received and tried by that Court, within whose jurisdiction the cause of action may have arisen, and this general principle must be maintained, notwithstanding some special exceptions, which may possibly exist. That in the case under discussion the defendants were subject to the jurisdiction of the Banda Court, appears to the Court to admit of no doubt, provided that the transaction, in which the action had its origin, took place within the limits of British Territory.

5. With reference to the second point, the Court remark, that Clause 1, Section 2, Regulation XIV. of 1829, though it contemplates the service of Summons on the defendants is so far imperfect that it omits to prescribe any specific rule for such service; the expression must allude, the Court conceive, to the possible contingency of a foreigner sued in the Civil Court, putting himself within its jurisdiction and thus subjecting himself to its process. As Regulation XXII. of 1812, declares that the Territory of Ojeygurh is not subject to the operation of the general Regulations, it seems obvious that no notice can be legally served by the Civil Courts on a Resident of such Territory, so long as he may avail himself of the protection, which the Law affords, by remaining within the limits of that Territory—but this protection from arrest on Civil process is, the Court are disposed to think, withdrawn, whenever the party may happen to place his person within the limits of the British possessions, which are subject to the operation of the General Regulations.

6. Should the Calcutta Court coincide in the views above expressed, the Judge of Bundelkhund will be advised accordingly.

I have the honor to be, &c.

(Signed) G. F. EDMONSTONE, *Register.*

Agra, the 18th December, 1844.

[True copy.]

G. F. EDMONSTONE, *Register.*

ABSTRACT.

Sends copies of correspondence with the Judge of Bundelkhund, relative to his application to review his judgment in a certain case, and invites the opinion of the Calcutta Court on the question at issue.

APPENDIX E.

No. 1632 OF 1844.

To J. HAWKINS, ESQUIRE,

Register to the Court of S. D. Adawlut, L. P.

FORT WILLIAM.

SIR,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson and
J. Davidson,
Judges.
Esquires.

I am directed to annex, for the consideration of the Calcutta Court of Sudder Dewanny Adawlut, copy of a letter No. 173, dated 26th ultimo, from Mr. A. C. Heyland, the Judge of Ghazeepoor, having for its object a modification of Clauses 1 and 2, Section 31, Regulation XXIII. of 1814, and to invite their opinion as to the propriety of adopting his proposition.

2. The clauses in question appear liable to all the objections detailed in Mr. Heyland's letter, and to many others, which might be enumerated, and by their retention on the Statute Book in their present form, no beneficial purpose is effected; the restrictive tendency too of these provisions seems opposed to the spirit of recent enactments, by which the competency of Moonsiffs has been extended to the requisition of security from defendants, to the attachment of their property, to the realization of fines imposed, the execution of decrees passed, by themselves, without previous reference to the Zillah Judge, and to the adjudication of suits of every description under certain restrictions as to local jurisdiction and value. Placed in juxta position with these privileges, which have been lately conferred on Moonsiffs, the power of coercing a contumacious witness appears so insignificant, that the Court are induced to presume, that an accidental oversight, rather than any deliberate and well considered intention, on the part of the framers of Act VI. of 1843, prevented the removal of the disabilities, enacted by the obnoxious clauses under consideration, at the same time, that the constitution of the Moonsiffs' Courts underwent such extensive alteration in other respects above adverted to.

3. It appears desirable, with reference to these considerations, as well as to views of general expediency, to invest the Moonsiffs with authority to compel the attendance of unwilling or contumacious witnesses, either by permitting them to exercise the powers now possessed by the Judge under the clauses of Section 31, Regulation XXIII. of 1814, or by enacting some other coercive process, and, if the Sudder Dewanny Adawlut in Calcutta, acquiesce in the sentiments above expressed, the submission of the accompanying draft of a proposed Act to the Legislative Council, together with such observations as the Calcutta Court may desire to add, may serve to bring on the discussion of the question, and ultimately lead to the removal of the objectionable and now inconsistent clauses from the statute book.

4. The accompanying draft, I am directed to add, has been framed on the presumption that agreeably to the joint recommendation* of the two Courts of Sudder Dewanny Adawlut the Legislature will see fit to pass an act, authorizing Moonsiffs to entertain a Nazir upon their establishment.

* Vide my letter, No. 1525, dated 14th August, 1843.
Your reply, No. 1535, dated 8th September.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE, *Register.*

AGRA,
The 14th September, 1844.

(True copy.)

G. F. EDMONSTONE, *Register.*

ABSTRACT.

Sends copy of a letter from Judge of Ghazeepoor with draft of a proposed Act for amending the Law (Clauses 1 and 2, Section 31, Regulation XXIII. of 1814), concerning the procedure of the Moonsiffs' Courts in compelling the attendance of witnesses, for submission to Legislative Council, if the sentiments expressed by Western Court be concurred in by Calcutta Court.

APPENDIX F.

EXTRACT, [*Paragraph* 6] *of a letter, No.* 515, *dated* 12*th March,* 1845, *addressed by order of the Court to the Judge of Ghazeepoor.*

Paragraph 6th. The Court apprehend that the remarks contained in the 95th paragraph of their last Report on Civil Justice have been misconceived: it is not denied, that the Regulations permit petitions of appeal to be filed without the Moojibaut, as ruled by Construction, No. 863, nor was it intended by the Court that this permissive rule should be contravened, whatever doubts they might be disposed to entertain of its expediency. The desire expressed in the paragraph cited is quite consistent with the Law, for until the "Moojibaut, or the reasons for appealing" be exhibited, it cannot be said that the "institution" of the appeal has been perfected, and it was only the delay in hearing appeals so *instituted,* that the Court deprecated, and still continue, in the maintenance of their avowed sentiments, to disapprove.

[True Extact.]

G. F. EDMONSTONE, *Register.*

APPENDIX G.

Statement shewing the number of Appeals to England from decisions passed in cases arising in the North Western Provinces, the nature of the judgment of the Privy Council, the amount of Costs incurred and recovered on account of the Hon'ble Company, and of Sundry other particulars.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Number.	Appellants.	Respondents.	Matter in Litigation.	Value of Property in Litigation.	Amount of Security.	Charges incurred on account of Appellant.	Charges incurred on account of Respondent.	Amount realized on account of Appellant.	Amount realized on account of Respondent.	Balance due from Appellant.	Balance due from Respondent.	Expenses how realized.	Party in possession of Property in Litigation.	Appeal how disposed of, and when.	
C 307	Joseph Gross, Defendant.	Khodijah Soultan Begum, Plaintiff.	Talooks, Nakspoor, and others.	1,65,212 8 0	5000	There is nothing on record in this Court to shew whether any, and what charges were incurred either by the Local Government, or the Hon'ble Court in England.	The remark in the preceding column is applicable to this.	No demands appear ever to have been made and none had been realized. The Government Promissory Notes which were deposited as Security for Costs of Appeal were returned to the Appellant by an Order, dated 19th Feb. 1829.	The remark in the preceding column applies to this.	.. .. ..	.. .. ..	None realized.	In execution of Decree of the Sudder Dewanny Adawlut, the Property passed into the hands of Plaintiff.	By a Decree of his Majesty in Council, dated 9th July, 1811, awarding possession of the Estate to Respondent, and so far confirming the Decree of the Sudder Court, but disallowing mesne profits in this suit, and directing Plaintiff to take such measures as she might deem proper to recover the same; so far reversing the Sudder Decree.	
C 670	Lal Dhowkul Sing, Plaintiff.	Lal Rooder Pertaub Sing, Defendant.	Talooks Deya.	80000 0 0	5000	6908 9 11	6875 3 11	6908 9 11	6875 3 11	.. .. ..	.. .. ..	On issuing out the judgment of the Privy Council, one Shaeeka-ea Nuksha became security for the costs of both parties, and shortly after the money was paid.	The Estate passed first into the possession of Plaintiff in execution of the Decree of the Provincial Court, it next reverted to Defendant, by order of the Sudder Decree.	The Decree of the Sudder Court was reversed, and that of the Provincial Court upheld by His Majesty in Council, on the 7th February, 1835.	
C 1226	Rajah Hemanchul Sing, Plaintiff.	Ranee Sheideeun, and on her death Koonwur Ghuneaum Sing.	Talooks Beroo Kalum, comprising 37 Mouzahs and 5 Biswahs.	62000 0 0	5000	13731 8 10	11927 5 4½	5329 9 0	307 2 6	8410 15 10	11620 2 10½	Costs of Appellant 5329 : 9 : 0 recovered by sale of tenements and chattles, and 4000 rupees from the proceeds of the Estate, which appears to have passed into Appellant's hands. Costs of Respondent. The whole 307 : 2 : 6 realized by sale of property.	Defendant Respondent continued in possession.	The Decree of the Sudder Court as regards the rejection of Plaintiff's title upheld and touching the acknowledgment of Defendant's right reversed by the Privy Council, on the 24th January, 1834.	The Decree is still in execution under the management of the Government Vakeel.
C 1877	Baboo Rasechurn Lal, Mooktar of Mailho Sehar and Ranee Sehar, Defendants.	Hurkishen Dass, Plaintiff.	Money on account.	63530 8 0	5000	8756 12 9	7851 6 9	5175 3 10½	7851 6 9	3599 8 0	.. .. ..	The Costs were realized in execution of the judgment of the Privy Council.	The Sudder Decree was not put into execution.	The case was remanded by the Privy Council for further investigation, and was struck off the file on Default. Date of the order of the Privy Council, 5th March, 1834.	The Government Vakeel has not pointed out any property belonging to Appellant since the case was struck off the file on reconsideration of the 5175-3-10½.
C 1725	Baboo Ulruck Sing, Defendant.	Rannepershad, Plaintiff.	Money on account.	111538 2 6	5000	3280 3 7	7147 11 0	3280 3 7	7147 11 0	.. .. ..	.. .. ..	Cash paid in by the parties respectively on demand.	Defendant remained in possession on giving Security.	The Sudder Decree confirmed by the Privy Council, on the 5th March, 1837.	
C 2107	Moolvee Abdoollah, and others Defendants.	Baboo Moter Chund, Plaintiff.	Money on account.	54000 13 3	5000	7658 3 9	6799 3 3	7658 3 9	6799 3 3	.. .. ..	.. .. ..	Paid on demand by the parties respectively.	The Sudder Decree was not put into execution.	The Sudder Decree affirmed by the Privy Council on the 1st March, 1837, but before intelligence of the decision had reached this country, the parties had entered into a compromise which was acted upon and the judgment of the Privy Council was not enforced. [Vide 3rd and 4th William IV. chapter 41, Section 23.]	
W 329	Rewunpershad, Defendant.	Rasika Beebee, Plaintiff.	Inheritance.	166150 0 0	10000	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	Possession give to Respondent in execution of decree.	Depending.	Papers sent to Government for transmission to England, on 23rd May, 1842.
W 482	Baboo Segura alias Khoord Mohul, Defendant.	Roshun Ali Khan and others, Plaintiffs.	Stipend bequeathed by Nuncupatory will.	49000 0 0	25000	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	Depending.	Under translation.
W 1259	J. R. Douglas, Mooktar on the part of Government Executors to the Estate of Baboo Jykishen Doss.	Collector of Benares, and Sheikh Ghulam Mohamed Estates claimed under a mortgage.	Sale proceeds of lands.	99000 0 0	25000	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	.. .. ..	Depending.	Papers sent to Government for transmission to England, on the 11th June, 1844.

G. F. EDMONSTONE,
Register.

Report of Causes depending on the 1st January, 1845, and of the number admitted and disposed of during the year 1844, in the several Civil Courts in the North Western Provinces.

N. B.—The figures in black-ink indicate Original Suits and those in red-ink in the right hand Columns, Appeals.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	Pending on the 1st January, 1844.	Instituted during the year.	Received by transfer during the year.	Total.	Transferred to other Courts.	Remaining for trial.	Finally disposed of											Pending at the end of the year.	Increase.	Decrease.
							Decided on trial.							Total of cases decided on trial.	Dismissed on Default.	Adjusted or Withdrawn.	Total of every description finally disposed of.			
							For Plaintiff or Appellant.			For Defendant or Respondent.			Total.							
							On their merits.	Remanded for retrial.	Total.	On their merits after Summoning Respondent.	Without Summoning Respondent under Clause 3, Section 16, Regulation V. 1831, Section 2, Regulation IX. 1831, and Act VII. 1838.									
											On perusal of the Petition of Appeal and Decree of the Lower Courts.	On perusal of Petition of Appeal and Record.									
	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.
Delhie,	490	80	5713	243	1977	167	8180	657	1992	158	6257	479	2253	125	0	36	2253	161	403	102	0	0	0	78	403	270	2656	431	419	15	3792	455	495	24	0	0	34	56
Saharunpore,	1282	158	4691	211	121	0	6004	411	79	0	5925	411	2307	26	0	36	2307	62	495	101	2662	376	694	14	3908	474	1122	157	0	0	0	0	168	21
Meerut,	1485	203	3209	216	234	222	6928	823	199	219	6729	604	2595	165	0	29	2595	194	333	248	2900	694	2900	694	5833	942	1274	183	0	0	211	59
Allygurh,	624	218	4038	262	121	107	4783	587	64	101	4719	486	2381	89	0	27	2381	116	188	149	2569	256	399	23	3156	428	1627	159	0	0	0	0	43	0
Moradabad,	1782	393	7157	0	630	371	9574	1301	606	0	8968	930	3686	136	0	0	3686	136	635	205	0	0	0	1	635	206	4321	479	678	23	5793	708	2186	178	309	0	27	0
Bareilly,	1705	123	6747	0	992	371	9094	494	472	252	8434	672	3616	136	0	0	3616	136	577	199	0	0	0	74	577	273	4193	409	1571	183	6671	865	1763	193	98	64	0	0
Agra,	443	21	2080	0	99	6	2613	254	79	5	3134	221	1440	45	0	4	1440	49	290	42	0	0	0	112	290	155	1730	204	216	0	2236	213	898	8	93	0	0	8
Furruckabad,	469	69	3042	0	175	62	3686	375	183	0	3502	313	1646	59	0	0	1646	59	248	136	0	0	0	29	248	165	1894	248	241	13	2383	426	1303	50	0	0	16	0
Mynpooree,	367	72	1904	0	79	52	2256	304	59	71	2197	233	1085	53	0	10	1085	63	169	113	0	0	0	7	169	120	1169	102	197	19	1502	241	695	58	8	0	0	0
Cawnpore,	327	151	1847	313	121	108	2295	617	80	130	2215	487	1143	145	0	24	1143	169	284	181	0	0	0	3	284	184	1427	308	157	17	1784	509	511	108	30	0	0	48
Futtehpore,	176	0	1031	0	62	0	1269	0	40	0	1229	0	711	0	0	0	711	0	102	37	0	0	0	0	102	37	813	0	48	0	963	37	306	0	0	0	18	0
Bundelcund,	193	89	1122	0	62	37	1377	126	28	0	1349	126	527	25	0	0	527	25	166	0	0	0	0	0	166	0	1169	0	151	0	1320	0	57	25	0	0	56	0
Allahabad,	574	24	2346	240	208	0	3128	288	147	0	2981	288	1655	140	0	14	1655	154	0	0	0	0	0	1	0	0	1906	234	192	0	2098	234	883	54	0	0	83	0
Gorruckpore,	1922	0	4335	0	985	0	6927	0	847	0	6080	0	2699	244	0	24	2699	268	0	0	0	0	0	0	0	0	3467	0	699	0	4166	0	1914	0	0	0	199	0
Azimgurh,	784	57	1852	0	1036	0	3672	57	1058	0	2614	57	744	30	0	0	744	30	0	0	0	0	0	0	0	0	1488	30	294	0	1782	30	1379	27	0	0	0	0
Jounpore,	665	345	1795	379	602	189	3122	606	619	47	2503	559	1113	93	0	0	1113	93	0	0	0	0	0	0	0	0	1732	93	194	0	1926	93	1196	466	0	0	48	25
Mirzapore,	360	0	1654	0	220	0	2234	0	192	0	1445	0	646	0	0	0	646	0	253	0	0	0	0	0	253	0	1299	0	143	0	1442	0	792	0	0	0	0	0
Benares,	606	311	2053	0	300	0	2959	0	210	57	2749	57	1299	57	0	0	1299	57	0	0	0	0	0	0	0	0	1947	57	147	0	2094	57	865	0	0	0	121	39
Ghazeepore,	755	253	2676	666	127	248	3558	1144	106	246	3452	898	1898	267	0	10	1898	277	547	371	0	0	0	0	547	371	2495	891	143	0	3036	891	2912	619	540	280	0	55	215	0
Total,...	14510	2788	60934	3049	7008	3125	82449	12961	6344	3018	76105	9975	33104	2520	0	418	33104	2938	7125	3018	0	64	1	1323	7126	4315	49230	4740	5806	307	59544	7362	14551	2074	41	0	0	525
Kumaun,...	1423	87	7302	88	4223	48	12038	1158	4188	39	7850	1119	3303	102	0	0	3303	102	1335	55	422	109	0	317	1757	164	6316	24	1296	27	7369	216	1481	267	58	99	0	0
Sulathoo,	28	0	828	0	0	0	856	0	0	0	856	0	311	8	0	0	311	8	52	0	0	0	0	0	52	0	263	0	339	0	654	0	132	0	0	0	26	1
Grand Total,.....	15961	2907	69054	3137	11231	3471	96343	14616	10532	3157	83961	11094	36407	2622	0	418	36407	3040	7177	3073	422	173	1	1640	7883	4479	55546	4764	7102	334	67567	7578	16032	2341	73	0	0	526

Sudder Dewanny Adawlut, North Western Provinces, Agra the 12th June, 1845.

G. F. Edmonstone *Register.*

No. 1—*Part* 2.

Statement of the operations of the Civil Courts in the North Western Provinces classified with reference to the several grades of Officers.

	1	2		3		4		5		6		7	8		9		10		11		12		13		14	15		16		17		18	19		20		21	
		Pending on the 1st January, 1844.		Instituted during the year.		Received by transfer during the year.		Total.		Transferred to other Courts.		Remaining for trial.	Finally disposed of — Decided on trial. For Plaintiff or Appellant. On their merits.		Remanded for retrial.		Total.		For Defendant or Respondent. On their merits after Summoning Respondent.		Without Summoning Respondent under Clause 3, Section 16, Regulation V, 1831, Section 2, Regulation IX, 1831, and Act VII, 1838.		On perusal of the Petition of Appeal and Decree of the Lower Courts.		On perusal of Petition of Appeal and Record.	Total.		Total of cases decided on trial.		Dismissed on Default.		Adjusted or Withdrawn.		Total of every description finally disposed of.		Pending at the end of the year.		Increase.		Decrease.	
		Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.		Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.		Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.
	19 Judges,	11	2387	3104	6659	978	105	4093	9122	4072	3064	21	9	1074	0	354	9	1428	5	1357	0	64	1	1233	6	2654	15	4092	1	184	1	331	17	4307	4	1664	0	0	7	623
	22 Principal Sudder Ameens,	1164	512	1381	0	1628	2257	3973	2769	130	257	3843	1512	1582	0	51	1582	1563	678	1031	0	6	0	6	678	1031	2209	2038	0	239	169	33	2878	2052	975	610	0	0	28	189
	15 Sudder Ameens,	894	0	1252	0	1389	0	3535	0	131	0	3404	0	1379	0	0	1379	0	378	0	0	0	0	0	378	0	1757	0	291	0	422	0	2470	0	934	0	0	40	0
	99 Moonsiffs,	12441	0	35194	0	2213	0	70848	0	2921	0	68827	0	39134	0	0	39134	0	6064	0	0	0	0	0	6064	0	36198	0	5255	0	14736	0	56189	0	12638	0	0	497	0
Koorsee & Sudder	Total,	14510	2799	40931	6659	7208	3463	82449	12891	6344	3318	76105	9573	43104	2020	405	45109	2962	7125	3019	0	64	1	1233	7126	4315	40230	6740	3806	379	15518	19	61554	7290	14551	2274	41	0	0	525
	1 Commissioner,	0	86	208	449	4	14	212	549	159	0	53	549	20	29	0	49	29	10	46	0	191	0	77	10	214	30	306	5	3	15	15	50	405	3	144	3	58	0	0
	1 Sub-Commissioner,	1	1	10	30	0	0	11	31	0	0	11	31	3	8	0	3	8	3	20	0	0	0	0	3	20	6	21	0	0	2	0	0	31	0	1	0	0	0	0
	2 Senior Assistants,	128	68	3365	208	32	19	3775	319	2575	25	1400	294	161	94	0	255	94	124	56	0	46	124	108	283	309	800	17	177	7	1202	258	1738	39	16	0	0	0	0
	1 Junior Assistant,	228	62	2916	201	183	29	3527	293	1581	5	1746	288	179	37	0	216	37	49	29	0	67	0	12	49	118	228	158	678	4	412	12	1318	174	428	81	200	42	0	0
	3 Sudder Ameens,	546	1	1521	0	2128	1	4195	2	42	0	4153	2	811	2	0	813	2	210	0	0	0	0	0	210	0	1021	2	2141	0	435	0	3617	2	536	0	0	6	1	0
	2 Moonsiffs,	548	0	0	0	1826	0	2374	0	31	0	2343	0	472	0	0	472	0	78	0	0	0	0	0	78	0	556	0	1030	0	287	0	1967	0	376	0	0	172	0
	Grand Total,	15961	2997	49151	7587	11231	3471	96343	14035	10332	3348	89811	10707	44750	2189	0	46939	3134	7599	3167	0	378	1	1379	7600	4966	42350	7226	10461	397	16966	329	69777	8146	16034	2561	79	0	0	836

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 12th June, 1845.

G. F. EDMONSTONE, *Register.*

No. 2.

Abstract Statement shewing the years in which were originally instituted Regular Suits and Appeals depending before the Sudder Dewanny Adawlut, the Judges, Principal Sudder Ameens, Sudder Ameens and Moonsiffs in the North Western Provinces, on the 1st of January, 1845.

	1838.		1839.		1841.		1842.		1843.		1844.		Total.	
Sudder Dewanny Adawlut, North Western Provinces, ...	0	0	0	0	0	0	0	2	0	13	0	118	0	133
Regulation Provinces, ...	1	3	3	2	8	1	13	3	69	9	14457	2256	14551	2274
Hill Provinces, ...	0	0	0	0	0	0	0	0	0	0	1483	287	1483	287
Total, ...	1	3	3	2	8	1	13	5	69	22	15940	2661	16034	2694

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 12th June, 1845.

No. 3.

Statement shewing the period which would elapse before the decisions of the Regular Suits depending on the 1st January, 1845, if calculated according to the Total number disposed of in the several Courts in the North Western Provinces, during the year 1844.

	Depending on the 1st January, 1845.	Disposed of during the year 1844.	Average period which would elapse before the decisions of the number of Suits depending in each Court according to the foregoing Statement of the number disposed of in the past year.
Sudder Dewanny Adawlut, ...	133	241	6. 622 Months.
Zillah Judges, ...	1668	4414	4. 534 Months.
Principal Sudder Ameens, ...	1585	5780	3. 290 Months.
Sudder Ameens, ...	934	2470	4. 538 Months.
Moonsiffs, ...	12638	56189	2. 699 Months.
Total,.....	16958	69094	2. 945 Months.
Kumaon, ...	1768	8185	2. 592 Months.
Subathoo, ...	2	885	. 027 Months.
Total,.....	18728	78164	2. 875 Months.

G. F. Edmonstone,

Register.

Sudder Dewanny Adawlut,
North Western Provinces,
Agra, the 12*th June,* 1845.

No. 4.

Statement shewing the Total Value or amount of Regular Suits whether Original or in Appeal depending in the Several Civil Courts in the North Western Provinces on the 1st January, 1845.

	ORIGINAL SUITS.					APPEALS.			
	Judges.	Principal Sudder Ameens.	Sudder Ameens.	Moonsiffs.	Total.	Judges.	Principal Sudder Ameens.	Total.	Grand Total.
	Total value of cases pending at the close of 1844.	Total value of cases pending at the close of 1844.	Total value of cases pending at the close of 1844.	Total value of cases pending at the close of 1844.	Total value of cases pending at the close of 1844.	Total value of cases pending at the close of 1844.	Total value of cases pending at the close of 1844.	Total value of cases pending at the close of 1844.	Total value of cases pending at the close of 1844.
Sudder. Dy. Adt. N. W. P.	0	0	0	0	0	0	0	2071369	2071369
Delhie,	0	808021	11121	25338	844480	9053	0	9053	853533
Saharunpore,	0	45648	0	71570	117218	47854	0	47854	165072
Meerut,	0	249284	31441	84678	365403	77194	4858	82052	447455
Allygurh,	0	246163	0	40790	286953	43582	1064	44646	331599
Moradabad,	0	176150	29080	154477	359707	21327	23515	44842	404549
Barelly,	0	180165	76793	93856	350814	43758	5428	49186	400000
Agra,	11469	84236	8536	30546	134787	5215	0	5215	140002
Furruckabad,	145	76469	0	25106	101720	8543	0	8543	110263
Mynpooree,	350	116973	0	17641	134964	16749	90	16839	151803
Cawnpore,	0	238918	19528	23396	281842	64533	2997	67530	349372
Futtehpore,	0	38832	0	9816	48648	23905	0	23905	72553
Bundelkund,	0	20288	0	6913	27201	8849	816	9665	36866
Allahabad,	0	198352	0	42905	241257	12270	0	12270	253527
Goruckpore,	0	157956	34160	78129	270245	49542	5379	54921	325166
Azimgurh,	0	89681	59422	43854	192957	50209	7179	57388	250345
Jounpore,	0	174572	0	27650	102222	39783	1616	41399	242621
Mirzapore,	0	929864	0	17955	947819	2604	0	2604	950423
Benares,	0	3552583	0	34348	3586931	69603	104	69707	3656638
Ghazeepore,	0	1004497	29200	32504	1066201	69180	7707	76887	1143088
Total,	11964	8388652	299281	861472	9561369	663753	60753	2795875	12357244
Kumaon,	108	35899	18037	19276	73320	15070	3480	18550	91870
Subathoo,	6107	0	0	0	6107	0	0	0	6107
Grand Total,	18179	8424551	317318	880748	9640796	678823	64233	2814425	12455221
Deduct Sudr. Dy. Adawlut N. W. Provinces,	0	0	0	0	0	0	0	2071369	2071369
Zillah and City Judges and Commr. Kumaon,	18179	8424551	317318	880748	9640796	678823	64233	743056	10383852

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 12th June, 1845.

No. 5.

Abstract Statement required by the Government Resolution under date the 19th May, 1845.

	Delhie.	Saharunpore.	Meerut.	Allygurh.	Moradadad.	Barelly.	Agra.	Furruckabad.	Mynpooree.	Cawnpore.	Futtehpore.	Bundelkund.	Allahabad.	Goruckpore.	Azimgurh.	Jounpore.	Mirzapore.	Benares.	Ghazeepore.	Kumaon.	Subathoo.	Total.
Abstract Statement of Regular Suits instituted in 1844, with the view of setting aside Summary Suits, ...	19	2	4	39	45	49	47	8	50	35	0	40	22	57	28	54	0	25	26	0	0	550
Number of cases which the Moonsiffs were precluded from receiving in consequence of the claim being advanced in formâ pauperis, ...	4	9	0	0	0	0	0	0	0	3	0	0	0	2	0	0	0	1	0	0	0	19

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 12th June, 1845.

No. 6.

General Abstract Report of Appeals depending before the Court of Sudder Dewanny Adawlut, North Western Provinces, on the 1st January, 1845, and of the number admitted and disposed of in the year 1844.

	Depending on 1st January, 1844.	Admitted in the last 12 Months.	Total.	Decided on Trial.			Remanded for retrial.	Dismissed on Default.	Adjusted or Withdrawn.	Total.	Depending on 1st January, 1845.	Increase.	Decrease.
				Confirmed.	Reversed.	Modified.							
Regular Appeals..	93	108	201	45	28	7	26	5	3	114	87	0	6
Special Appeals...	27	146	173	17	18	3	81	8	0	127	46	19	0
Total 1844...	120	254	374	62	46	10	107	13	3	241	133	13	0
1843...	113	180	293	55	32	24	51	6	5	173	120	7	0
Increase...	7	74	81	7	14	0	56	7	0	68	13	0	0
Decrease...	0	0	0	0	0	14	0	0	2	0	0	0	0

Specification of the Value of Appeals Regular and Special depending before the Court of Sudder Dewanny Adawlut, North Western Provinces, on the 1st January, 1845.

Memorandum shewing the number of cases finally disposed of, and opinions not being final, judgments recorded by the several Judges of the Sudder Dewanny Adawlut, in 1844.

FINAL JUDGMENT.

	Regular.	*Special.*	*Opinions.*	*Total.*
Mr. B. Tayler, ...	59	64	0	123
Mr. G. P. Thompson,	69	71	5	145
Mr. J. Davidson, ..	74	80	0	154
Total. ..... :	202	215	5	422

Amount Value of 241 cases decided during the year, 61,59,300.

		Amt. or
Not exceeding Rs. 300	20	Value 1965
,, ,, 1,000	17	,, 9784
,, ,, 5,000	22	,, 51243
,, ,, 10,000	24	,, 176670
Excdg. 10,000	50	,, 1831707
Total. ..	133	2071369

S. D. A., N. W. P.
Agra, the 12th June, 1845.

G. F. EDMONSTONE,
Register.

No. 7.

Statement of Civil Suits tried with the Assistance of Natives under Regulation VI. of 1832, *during the year* 1844.

Zillahs.	Suits tried with the Assistance of a Punchayut.			Suits tried with the Assistance of Assessors.			Suits tried with the Assistance of a Jury.			Remarks.
	Number decided in accordance with the award of the Punchayut.	Number decided contrary to the award of the Punchayut.	Total.	Number decided in accordance with the award of the Assessors.	Number decided contrary to the award of the Assessors.	Total.	Number decided in accordance with the Verdict of the Jury.	Number decided contrary to the Verdict of the Jury.	Total.	
Delhie, ...	0	0	0	0	0	0	0	0	0	
Seharunpore, ..	6	0	6	0	0	0	0	0	0	
Meerut, ...	3	0	3	0	0	0	0	0	0	
Allygurh,.....	0	0	0	0	0	0	0	0	0	
Moradabad,....	0	0	0	2	0	2	1	0	1	
Barelly, ...	0	0	0	1	0	1	0	0	0	
Agra, ...	0	0	0	0	0	0	0	0	0	
Furruckabad, ..	0	0	0	0	0	0	60	1	61	
Mynpooree, ..	0	0	0	0	0	0	0	0	0	
Cawnpore, ...	3	1	4	0	0	0	7	0	7	
Futtehpore,....	0	0	0	0	0	0	0	0	0	
Bundlekund, ..	0	0	0	0	0	0	0	0	0	
Allahabad, ...	14	2	16	0	0	0	18	0	18	
Goruckpore, ..	0	0	0	2	0	2	0	0	0	
Azimgurh, ...	0	0	0	3	5	8	0	0	0	
Jounpore, ...	2	1	3	0	0	0	0	0	0	
Mirzapore, ...	0	0	0	0	0	0	0	0	0	
Benares, ...	0	0	0	1	0	1	0	0	0	
Ghazeepore, ..	3	0	3	4	1	5	0	0	0	
Total,..	31	4	35	13	6	19	86	1	87	
Kumaon,.....	38	1	39	22	0	22	0	0	0	
Subathoo, ...	0	0	0	15	0	15	0	0	0	
Grand Total,	69	5	74	50	6	56	86	1	87	

S. D. A., N. W. P.,
Agra, the 12th June, 1845.

G. F. Edmonstone,
Register.

No. 8.

Statement of unexecuted Decrees pending in several Zillahs of the North Western Provinces, on the 1*st January,* 1845.

Zillahs.	Before the Judges.	Before the P. S. Ameens.	Before the S. Ameens.	Before the Moonsiffs.	Total of unexecuted Decrees.
Delhie, ...	4	44	25	257	330
Seharunpore, ..	8	111	0	747	866
Meerut, ...	3	81	83	657	824
Allygurh, ...	3	251	0	570	824
Moradabad, ...	0	21	90	1017	1128
Barelly, ...	14	56	131	865	1066
Agra, ...	11	30	30	488	559
Furruckabad, ..	2	68	0	405	475
Mynpooree,....	0	68	0	270	338
Cawnpore, ...	4	64	102	288	458
Futtehpore, ...	10	54	0	188	252
Bundlekund, ..	0	54	0	103	157
Allahabad, ...	1	85	75	500	661
Goruckpore, ..	8	41	109	462	620
Azimgurh, ...	10	59	150	198	417
Jounpore, ...	7	82	0	293	382
Mirzapore, ...	6	128	0	186	320
Benares, ...	2	258	0	299	559
Ghazeepore,....	19	36	45	230	330
Total, .	112 Comr.	1591 Senr. &Jr. Assts.	840	8023	10566
Kumaon, ...	2	128	113	0	243
Subathoo, ...	0	0	0	0	0
Grand Total, ..	114	1719	953	8023	10809

S. D. A., N. W. P.,
Agra, the 12*th June,* 1845.

G. F. Edmonstone,
Register.

No. 9.

Statement of the different descriptions of Original Suits instituted before the Several Judges, Principal Sudder Ameens, Sudder Ameens and Moonsiffs, in the North Western Provinces, during the year 1844.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
ZILLAHS.	Suits connected with land interest.	Suits for real property on conveyance by sale.	Suits for real property on conveyance by gift.	Ditto ditto by mortgage.	Ditto ditto by will.	Ditto ditto by Dowry.	Ditto ditto on right of pre-emption.	Inheritance under the Mahomedan Law.	Ditto Hindoo Law.	Claims in right of adoption.	Lakhiraj suits under Section 30, Regn. II. 1819.	Suits regarding Puttee and other dependant tenures.	Suits to contest sales by Collectors for arrears of Govt. dues.	Suits for land not before included such as Boundary suits, &c.	Debts on Bond or otherwise.	Suits of Bankers or Traders.	Religious suits connected with Caste, Rights of Priests, &c.	Damages for breach of Contract.	For recovery of money embezzled.	Wages.	Suits connected with Indigo, Sugar, Silk and other Staple products.	Suits for personal property not before included.	REMARKS.
Delhie,	111	80	6	31	0	9	6	56	65	0	4	0	0	49	2298	2543	1	1	1	52	68	332	
Saharumpore,	168	60	9	42	0	0	16	44	89	0	0	2	12	0	3896	27	4	13	0	43	0	176	
Meerut,	109	118	13	54	1	1	3	13	14	0	1	37	3	22	2426	2152	0	1	0	7	25	209	
Allygurh,	153	24	8	38	0	0	0	6	29	0	0	0	0	67	3375	158	1	0	1	0	73	105	
Moradabad,	780	119	22	35	0	0	9	75	82	0	6	2	1	23	5533	33	0	22	8	28	29	350	
Barelly,	400	183	15	120	0	2	1	28	65	0	3	2	10	153	5049	49	3	0	24	8	44	588	
Agra,	183	101	2	54	0	0	16	0	0	0	2	11	3	0	1587	468	0	9	56	7	108	73	
Furruckabad,	126	110	4	54	0	1	1	34	41	0	0	10	4	44	1991	321	0	7	5	6	119	164	
Mynpooree,	204	20	0	23	0	0	0	0	0	0	0	53	0	35	1300	177	1	2	0	3	6	86	
Cawnpore,	173	37	5	40	0	2	0	13	54	0	0	1	0	18	1331	8	7	12	8	5	8	125	
Futtehpore,	97	143	24	16	0	0	4	12	20	1	0	0	0	14	534	139	8	12	1	2	0	4	
Bundelkund,	147	71	4	11	0	0	0	0	0	0	1	21	0	4	748	12	3	0	4	4	5	87	
Allahabad,	413	96	11	24	0	39	3	15	16	0	1	71	1	18	1318	103	1	17	38	59	30	72	
Goruckpore,	404	428	4	174	0	1	8	0	10	1	0	187	2	119	2376	96	5	86	31	6	12	385	
Azimgurh,	252	119	7	25	0	0	12	43	79	1	1	0	0	62	487	54	0	39	0	0	30	364	
Jounpore,	670	18	2	6	0	0	0	7	27	0	2	56	0	71	671	1	10	6	6	3	55	184	
Mirzapore,	189	23	8	48	1	1	0	3	24	0	0	13	2	4	473	89	4	26	6	11	19	110	
Benares,	545	31	2	89	0	0	41	3	21	3	0	3	1	53	879	79	5	25	25	10	50	188	
Ghazeepore,	814	13	2	9	0	0	2	11	76	0	0	12	1	110	1088	133	2	17	10	4	33	339	
Total,	5938	1794	148	893	2	56	122	363	712	6	21	481	40	866	37360	6642	55	295	224	258	714	3941	
Kumaon,	993	47	6	71	0	50	31	1	720	4	0	70	0	7	3455	602	42	124	48	98	429	594	
Sabathoo,	0	0	0	1	0	8	0	0	0	0	0	0	0	6	767	28	2	9	0	7	0	0	
Zillah and City Courts,	6931	1841	154	965	2	114	153	364	1432	10	21	551	40	879	41582	7272	99	428	272	363	1143	4535	
S. D. A. instituted in 1844,	43	27	2	38	3	3	0	10	5	1	0	12	2	0	41	23	2	19	5	5	8	5	
Disposed of,	51	12	3	31	2	3	1	7	4	1	0	17	5	1	35	20	2	16	4	4	7	15	

S. D. A., N. W. Provinces, the 12*th June,* 1845.

G. F. EDMONSTONE, *Register.*

No. 12.

Statement of the Appellate Jurisdiction of the Several Tribunals in the North Western Provinces, shewing what number of Decrees in each class of them was appealable, appealed, affirmed, altered or reversed.

Zillahs.	Officers.	Description of Cases.	Original Suits and First Appeals.				Proportions.			First and Second Appeals.											
			Number Appealable.							Number Appealed.							Number Affirmed.			Number Modified or Reversed.		
			Cases decided on Oral Proof.	Cases decided on Written Proof.	Cases decided on Admission of Judgment.	Total.	Of Column 5 to Column 4.	Of Column 6 to Column 4.	Of Column 7 to Column 4.	Number Appealed.	Number under Trial.	Total.	By Judge.	By Y. & Assess.	Total.	By Judge.	By Y. & Assess.	Total.	By Judge.	By Y. & Assess.	Total.	Total Decided.
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Bullia,	Moonsiffs,	Original Suits,	485	580	914	1979	29·41	47·04	23·54	467	532	999	721	90	811	76	10	86	121	10	131	1028
	Sudder Ameens,	ditto,	20	11	13	44	45·45	25·00	29·54	9	27	36	11	1	12	1	0	1	12	0	12	25
	Principal Sudder Ameens,	ditto,	82	17	99	198	17·16	13·63	14·64	9	20	29	18	0	18	0	0	0	11	0	11	29
		Appeals,	140	18	8	166																43
		Total,	1244	626	988	2059	32·07	37·21	14·18	90	339	479	350	101	479	104	17	121	153	17	183	1125
Saharunpore,	Moonsiffs,	Original Suits,	807	675	857	2321	29·64	19·01	8·79	151	302	533	531	0	531	64	0	64	4	0	4	599
	Sudder Ameens,	ditto,	0	0	0	0	0·00	0·00	0·00	0	0	0	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens,	ditto,	134	39	0	173	30·16	39·02	22·97	37	43	73	32	0	32	8	0	8	5	0	5	45
		Appeals,	9	0	0	9																
		Total,	950	714	857	2503	32·10	19·72	10·15	188	359	613	563	0	563	72	0	72	9	0	9	644
Meerut,	Moonsiffs,	Original Suits,	997	802	896	2695	34·97	19·41	11·40	157	312	469	85	137	222	20	62	82	56	39	95	317
	Sudder Ameens,	ditto,	85	27	24	136	34·11	30·88	27·20	37	42	79	0	0	0	0	0	0	0	0	0	79
	Principal Sudder Ameens,	ditto,	24	10	11	45	17·1	13·33	11·62	7	18	25	0	0	0	0	0	0	0	0	0	25
		Appeals,	19	0	0	19																44
		Total,	1125	839	931	2895	34·97	19·41	11·40	157	312	473	85	137	222	20	62	82	56	39	95	317
Allygurh,	Moonsiffs,	Original Suits,	597	1103	1699	3399	37·12	16·26	6·08	192	294	486	69	89	158	27	36	63	12	22	34	192
	Sudder Ameens,	ditto,	0	0	0	0	—	—	—	0	0	0	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens,	ditto,	75	83	41	199	39·34	39·65	17·57	30	48	78	0	0	0	0	0	0	0	0	0	78
		Appeals,	22	5	0	27																34
		Total,	694	1191	1740	3625	39·76	16·9	6·34	222	342	564	69	89	158	27	36	63	12	22	34	304
Mozuffurd,	Moonsiffs,	Original Suits,	1499	1353	967	4019	39·54	17·95	13·91	72	159	231	64	299	363	14	54	68	14	46	60	419
	Sudder Ameens,	ditto,	167	0	0	167	39·52	17·96	13·77	7	29	36	0	0	0	0	0	0	0	0	0	36
	Principal Sudder Ameens,	ditto,	37	6	0	43	2·64	2·42	2·42	1	1	2	0	0	0	0	0	0	0	0	0	2
		Appeals,	411	0	0	411																60
		Total,	2114	1359	967	4640	39·59	18·16	12·86	80	189	269	64	299	363	14	54	68	14	46	60	479
Bareilly,	Moonsiffs,	Original Suits,	1452	1326	1927	4705	39·37	34·02	26·15	67	209	276	73	154	227	15	60	75	10	42	52	349
	Sudder Ameens,	ditto,	232	137	117	486	39·65	32·04	23·45	19	77	96	18	0	18	3	0	3	2	0	2	119
	Principal Sudder Ameens,	ditto,	69	51	155	275	34·42	31·42	29·81	17	74	91	43	0	43	9	0	9	8	0	8	61
		Appeals,	0	0	0	0																
		Total,	1753	1514	2199	5466	39·42	33·16	25·66	103	360	463	134	154	288	27	60	87	20	42	62	529
Agra,	Moonsiffs,	Original Suits,	626	586	432	1644	23·76	12·62	10·09	15	105	178	131	0	131	16	0	16	3	0	3	167
	Sudder Ameens,	ditto,	11	4	0	17	54·54	36·36	0·00	6	6	12	3	0	3	1	0	1	0	0	0	4
	Principal Sudder Ameens,	ditto,	31	24	0	55	29·03	16·12	3·22	5	11	16	7	0	7	0	0	0	0	0	0	7
		Appeals,	6	0	0	6																178
		Total,	674	614	432	1722	24·18	12·76	9·98	26	122	206	141	0	141	17	0	17	3	0	3	356
Furruckabad,	Moonsiffs,	Original Suits,	654	1107	1000	2761	29·54	19·61	10·25	81	197	278	69	22	91	10	2	12	10	0	10	391
	Sudder Ameens,	ditto,	0	0	0	0	—	—	—	0	0	0	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens,	ditto,	106	19	14	139	37·89	33·09	29·49	39	51	90	29	0	29	3	0	3	2	0	2	124
		Appeals,	0	0	0	0																
		Total,	760	1126	1014	2900	30·26	21·5	12·06	120	248	368	98	22	120	13	2	15	12	0	12	515
Mynpooree,	Moonsiffs,	Original Suits,	1107	1001	435	2543	32·73	23·34	20·61	167	446	613	446	27	473	31	2	33	22	0	22	728
	Sudder Ameens,	ditto,	0	0	0	0	—	—	—	0	0	0	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens,	ditto,	60	0	0	60	13·14	11·66	10·00	6	13	19	5	0	5	0	0	0	0	0	0	24
		Appeals,	62	0	0	62																43
		Total,	1229	1001	435	2665	32·71	23·24	20·67	173	459	632	451	27	478	31	2	33	22	0	22	795
Campore,	Moonsiffs,	Original Suits,	566	366	439	1371	46·61	29·15	20·96	61	237	298	77	68	145	26	23	49	14	0	14	253
	Sudder Ameens,	ditto,	72	37	13	119	61·01	39·49	29·75	30	64	94	35	0	35	5	0	5	3	0	3	63
	Principal Sudder Ameens,	ditto,	47	6	0	53	30·17	18·12	16·98	9	7	16	5	0	5	0	0	0	0	0	0	5
		Appeals,	157	15	0	172																53
		Total,	742	424	452	1719	44·15	29·21	21·76	100	308	408	117	68	185	31	23	54	17	0	17	374
Futtehpore,	Moonsiffs,	Original Suits,	563	143	530	736	35·16	30·93	29·66	57	156	213	43	0	43	12	0	12	2	0	2	70
	Sudder Ameens,	ditto,	0	0	0	0	—	—	—	0	0	0	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens,	ditto,	42	0	30	72	42·54	40·24	37·78	31	27	58	3	0	3	1	0	1	0	0	0	4
		Appeals,	0	0	0	0																
		Total,	605	143	560	808	34·79	30·28	29·9	88	183	271	46	0	46	13	0	13	2	0	2	74
Bundelkund,	Moonsiffs,	Original Suits,	356	162	160	678	16·28	23·6	19·62	41	127	168	31	42	73	3	6	9	23	0	23	105
	Sudder Ameens,	ditto,	40	11	8	59	5·0	3·38	1·69	0	2	2	0	0	0	0	0	0	0	0	0	2
	Principal Sudder Ameens,	ditto,	46	7	0	53	11·95	37·77	37·1	6	14	20	4	0	4	0	0	0	0	0	0	24
		Appeals,	0	0	0	0																
		Total,	442	179	168	790	14·93	26·03	20·88	47	143	190	35	42	77	3	6	9	23	0	23	129
Allahabad,	Moonsiffs,	Original Suits,	624	431	439	1494	34·87	23·16	19·61	145	345	490	0	0	0	0	0	0	0	0	0	490
	Sudder Ameens,	ditto,	24	0	0	24	150·0	100·0	100·0	24	0	24	0	0	0	0	0	0	0	0	0	24
	Principal Sudder Ameens,	ditto,	150	32	0	182	49·33	37·63	32·41	72	19	91	0	0	0	0	0	0	0	0	0	91
		Appeals,	6	0	0	6																14
		Total,	804	463	439	1706	37·45	25·79	21·98	241	364	605	0	0	0	0	0	0	0	0	0	605
Goruckpore,	Moonsiffs,	Original Suits,	1466	482	1264	3150	42·64	32·56	30·66	342	632	974	181	294	475	54	106	160	214	112	326	1135
	Sudder Ameens,	ditto,	140	61	0	201	49·25	37·81	31·34	63	61	124	43	0	43	6	0	6	2	0	2	51
	Principal Sudder Ameens,	ditto,	61	7	7	75	2·66	2·66	2·66	2	2	4	0	0	0	0	0	0	0	0	0	4
		Appeals,	227	67	0	294																44
		Total,	1894	552	1264	3720	41·06	30·26	27·85	447	710	1156	175	294	475	57	106	163	216	112	328	1234
Azimgurh,	Moonsiffs,	Original Suits,	454	152	91	698	19·66	47·67	41·26	137	333	470	0	0	0	0	0	0	0	0	0	470
	Sudder Ameens,	ditto,	194	24	0	218	19·95	13·76	11·46	43	30	73	24	0	24	3	0	3	2	0	2	29
	Principal Sudder Ameens,	ditto,	85	7	0	92	10·86	7·6	7·6	10	7	17	0	0	0	0	0	0	0	0	0	17
		Appeals,	157	17	0	174																29
		Total,	890	200	91	1182	20·11	37·01	31·01	190	370	560	24	0	24	3	0	3	2	0	2	545
Jounpore,	Moonsiffs,	Original Suits,	942	382	416	1740	34·07	30·64	24·25	90	340	430	138	98	236	21	15	36	11	0	11	284
	Sudder Ameens,	ditto,	0	0	0	0	—	—	—	0	0	0	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens,	ditto,	149	0	0	149	12·8	11·06	11·06	16	15	31	7	0	7	1	0	1	0	0	0	39
		Appeals,	0	0	0	0																
		Total,	1091	382	416	1889	28·05	29·64	24·14	106	355	461	145	98	243	22	15	37	11	0	11	323
Mirzapore,	Moonsiffs,	Original Suits,	443	91	341	797	39·13	25·72	14·94	31	174	205	67	0	67	26	0	26	4	0	4	97
	Sudder Ameens,	ditto,	0	0	0	0	—	—	—	0	0	0	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens,	ditto,	16	0	0	16	12·5	12·5	12·5	2	0	2	0	0	0	0	0	0	0	0	0	2
		Appeals,	172	0	0	172																99
		Total,	631	91	341	985	34·71	24·75	14·31	33	174	207	67	0	67	26	0	26	4	0	4	198
Benares,	Moonsiffs,	Original Suits,	1064	399	214	1677	29·76	19·77	16·06	124	206	330	0	0	0	0	0	0	0	0	0	330
	Sudder Ameens,	ditto,	0	0	0	0	—	—	—	0	0	0	0	0	0	0	0	0	0	0	0	0
	Principal Sudder Ameens,	ditto,	211	32	0	243	15·17	10·28	10·28	19	6	25	17	0	17	2	0	2	0	0	0	19
		Appeals,	139	0	0	139																39
		Total,	1364	431	214	2059	26·25	17·68	14·8	143	212	355	17	0	17	2	0	2	0	0	0	388
Ghazeepore,	Moonsiffs,	Original Suits,	1118	481	384	2033	43·99	31·12	26·12	131	634	765	0	0	0	0	0	0	0	0	0	765
	Sudder Ameens,	ditto,	224	142	0	366	49·55	37·43	31·96	82	55	137	0	0	0	0	0	0	0	0	0	137
	Principal Sudder Ameens,	ditto,	153	13	0	166	20·25	19·2	19·2	23	9	32	0	0	0	0	0	0	0	0	0	32
		Appeals,	175	0	0	175																67
		Total,	1668	636	384	2740	39·14	28·72	24·34	236	698	934	0	0	0	0	0	0	0	0	0	934
Kumaon,	Moonsiffs,	Original Suits,	326	151	50	528	49·69	32·95	29	69	154	223	0	0	0	0	0	0	0	0	0	223
	Sudder Ameens,	ditto,	107	0	25	132	49·14	43·93	43·93	58	0	58	0	0	0	0	0	0	0	0	0	58
		Appeals,	32	0	0	32																44
		Total,	464	151	75	692	49·56	34·25	31·21	127	154	281	0	0	0	0	0	0	0	0	0	281
Rohtuck,	Moonsiffs,	Original Suits,	1	0	0	1	0·0	0·0	0·0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Sudder Ameens,	ditto,	232	89	46	367	12·93	9·00	9·4	1	26	27	26	0	26	1	0	1	0	0	0	27
	Principal Sudder Ameens,	ditto,	0	0	0	0	—	—	—	0	0	0	0	0	0	0	0	0	0	0	0	0
		Appeals,	0	0	0	0																
		Total,	233	89	46	368	12·93	9·00	9·4	1	26	27	26	0	26	1	0	1	0	0	0	27
	101 Moonsiffs,	Original Suits,	16218	9235	11261	36714	34·45	27·95	23·94	3620	7456	11076	1952	1570	3522	304	340	644	454	274	728	11804
	16 Sudder Ameens,	ditto,	2156	615	440	3211	48·84	34·66	27·56	845	666	1511	470	81	551	62	10	72	37	0	37	623
	23 Principal Sudder Ameens,	Original Suits & Appeals,	4134	482	320	4936	19·54	16·95	15·29	330	710	1073	435	0	435	31	0	31	0	0	0	466
		Total,	22508	10332	12021	44861	32·99	25·91	20·12	4795	8832	13660	2857	1651	4508	397	350	747	491	274	765	12893

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 12th June, 1845.

G. F. EDMONSTONE, *Registrar.*

No. 13.

Abstract Numerical Statement of Applications for the Execution of Decrees pending and instituted before and disposed of in the Several Civil Courts in the North Western Provinces, during the year 1844.

1	2	3	4	5	6		7	8	9	10	11		12	13	14	15	16	17	18	19	20	21	22	23
		Brought on the file during the year.					*Disposed of.*						*Specification of the years in which the Cases in Column* 11, *were filed or re-admitted.*						*Explanation of the cause of delay in the Execution of Decrees which have been on the file for one year or more.*					
ZILLAHS.	Total pending on 1st January, 1844.	Newly Instituted.	Re-admitted.	Received by Transfer.	Total filed in 1844.	Grand Total.	Cases struck off the file the Decree having been completely executed on Decree holder after taking out execution having filed a Razeenamah.	Cases struck off the file after partial enforcement the Decree holder having omitted to proceed with the execution within the prescribed period by putting out further application for the purpose of it taking other steps in execution of it.	Cases struck off the file without any part of the Decree being executed, the Decree holder having after taking out execution failed to proceed in the matter within the prescribed period.	Transferred to other Courts.	Total of every description disposed of.	Pending on the 31st December, 1844.	In 1839.	In 1840.	In 1841.	In 1842.	In 1843.	In 1844.	Dustuck issued or Defendant not found or list of property not given or other neglect of the Plaintiff.	Property under Sale by the Collector or other Officer, or money sent for from the Collector's Office.	Under objections to sale, &c. and under enquiry if appealed or not.	Property under investigation.	Notice or Dustuck issued and not yet returned.	REMARKS.
Delhie,	351	2103	782	14	2899	3250	1115	967	827	11	2920	330	0	0	0	0	0	330	0	0	0	0	0	
Seharunpore,	1002	1846	1771	1	3618	4620	814	691	2240	9	3754	866	0	0	0	0	0	866	0	0	0	0	0	
Meerut,	875	2266	1459	51	3776	4651	951	1440	1381	55	3827	824	0	0	0	0	0	824	0	0	0	0	0	
Allygurh,	879	1629	1761	82	3472	4351	641	881	1923	82	3527	824	0	0	0	0	10	814	0	8	1	0	1	
Moradabad,	1044	3052	1241	21	4314	5358	1764	450	1995	21	4230	1128	0	0	0	0	3	1125	0	3	0	0	0	
Bareilly,	1156	3503	725	0	4228	5384	2306	464	1527	21	4318	1066	0	0	0	0	3	1063	0	3	0	0	0	
Agra,	623	1542	1149	40	2731	3354	1033	435	1288	39	2795	559	0	9	0	0	0	559	0	0	0	0	0	
Furruckabad,	527	1534	942	103	2599	3126	667	1136	750	98	2651	475	0	0	0	0	0	475	0	0	0	0	0	
Mynpooree,	330	722	541	88	1351	1681	359	288	632	64	1343	338	0	0	0	0	4	334	0	0	3	1	0	
Cawnpore,	529	1301	895	78	2274	2803	937	416	915	77	2345	458	0	0	0	0	5	453	0	4	1	0	0	
Futtehpore,	335	738	448	9	1195	1530	502	306	461	9	1278	252	0	0	0	1	2	249	0	2	1	0	0	
Bundelkund,	207	618	345	126	1089	1296	311	84	618	126	1139	157	0	0	0	0	0	157	0	0	0	0	0	
Allahabad,	828	1547	1062	45	2654	3482	1269	530	981	41	2821	661	0	0	0	0	0	661	0	0	0	0	0	
Goruckpore,	843	2333	1569	176	4278	5121	1831	902	1592	176	4501	620	0	0	0	0	1	619	0	0	0	1	0	
Azimgurh,	441	869	356	9	1214	1655	732	385	112	9	1238	417	0	0	0	0	*3	414	0	1	0	0	0	
Joumpore,	489	889	355	179	1423	1912	525	116	715	174	1530	382	0	0	0	0	3	379	0	3	0	0	0	
Mirzapore,	281	739	311	252	1302	1583	378	274	360	251	1263	320	0	0	0	0	1	319	0	0	1	0	0	
Benares,	679	973	779	188	1940	2619	649	428	870	113	2060	559	0	0	0	0	1	558	0	1	0	0	0	
Ghazeepore,	637	1489	921	25	2435	3072	1273	379	1065	25	2742	330	0	0	0	0	0	330	0	0	0	0	0	
Total,..	12056	29913	17392	1487	48792	60848	18057	10572	20252	1401	50282	10566	0	0	0	1	36	10529	0	25	7	2	1	
Kumaon,	181	961	283	437	1681	1862	707	193	284	435	1619	243	0	0	0	0	0	243	0	0	0	0	0	
Subathoo,	3	159	0	15	174	177	177	0	0	0	177	0	0	0	0	0	0	0	0	0	0	0	0	
Grand Total,..	12240	31033	17675	1939	50647	62887	18941	10765	20536	1836	52078	10809	0	0	0	1	36	10772	0	25	7	2	1	

* 2 Ready for decision.

* *Sudder Dewanny Adawlut, North Western Provinces, Agra, the* 24*th June,* 1845.

G. F. EDMONSTONE, *Register.*

General Abstract of Summary and Miscellaneous Suits disposed of during the year 1844, *and depending on the* 1st *January,* 1844 *and* 1845 *respectively.*

Zillahs.	Depending on the 1st January, 1844.						Disposed of during the year 1844.						Depending on the 1st January, 1845.						Remarks.
	Petitions for review of judgment under Clause 2, Section 4, Regulation XXVI. 1814, and Section 2, Regulation II. 1825.	Petitions for Special Appeals under Section 2, Regulation XXVI. 1814, and Section 4, Regulation II. 1825.	Petitions for Summary Appeals under Clause 4, Section 3, Reg. XXVI. 1814, and Act No. 22, 1838.	Petitions of Appeal under Clause 5, Section 3, and Clause 2, Section 5, Regulation VII. 1825.	Applications for the execution of Decrees and Petitions from parties objecting to orders passed in the execution of Decrees.	Total.	Petitions for review of judgment under Clause 2, Section 4, Regulation XXVI. 1814, and Section 2, Regulation II. 1825.	Petitions for Special Appeals under Section 2, Regulation XXVI. 1814, and Section 4, Regulation II. 1825.	Petitions of Summary Appeals under Clause 4, Section 3, Regulation XXVI. 1814, and Act No. 22, 1838.	Petitions of Appeal under Clause 5, Section 3, and Clause 2, Section 5, Regulation VII. 1825.	Applications for the execution of Decrees and Petitions from parties objecting to orders passed in the execution of Decrees.	Total.	Petitions for review of judgment under Clause 2, Section 4, Reg. XXVI. 1814, and Section 2, Regulation II. 1825.	Petitions for Special Appeals under Section 2, Regulation XXVI. 1814, and Section 4, Regulation II. 1825.	Petitions of Summary Appeals under Clause 4, Section 3, Regulation XXVI. 1814, and Act No. 22, 1838.	Petitions of Appeal under Clause 5, Section 3, and Clause 2, Section 5, Regulation VII. 1825.	Applications for the execution of Decrees and Petitions from parties objecting to orders passed in the execution of Decrees.	Total.	
Delhie,	0	0	0	0	382	382	7	0	12	9	3058	3386	0	0	0	0	337	337	
Saharunpore,	1	0	3	4	1007	1015	4	0	28	72	3818	3922	0	0	7	13	879	899	
Meerut,	2	0	5	25	878	910	3	0	27	39	3957	4026	1	0	13	18	846	878	
Allygurh,	7	0	29	111	934	1081	9	0	52	193	3667	3921	3	0	3	88	848	942	
Moradabad,	0	0	2	16	1044	1062	22	0	24	31	4237	4314	0	0	6	19	1129	1154	
Bareilly,	0	0	3	5	*1161	1169	10	0	21	38	4510	4579	14	0	5	0	1095	1114	* In the Statement for 1843, 3 cases were erroneously included by the Zillah Authorities in this number. The error has now been rectified.
Agra,	1	0	0	7	625	633	4	0	1	76	2858	2939	0	0	0	11	569	580	
Furruckabad,	0	0	1	4	534	539	15	1	14	126	2776	2932	4	0	7	13	477	501	
Mynpooree,	1	3	14	42	334	394	2	28	23	82	1395	1530	0	1	1	22	342	366	
Cawnpore,	8	0	3	11	540	562	20	0	25	69	2435	2549	4	0	2	6	466	478	
Fettehpore,	3	0	0	56	395	454	8	0	13	142	1475	1638	0	0	2	12	268	282	
Bundelkund,	17	20	23	0	223	283	34	21	43	0	1212	1310	0	0	0	0	165	165	
Allahabad,	0	0	1	0	832	833	6	0	29	170	2964	3169	5	0	0	2	666	673	
Goruckpore,	45	0	9	5	848	907	91	0	67	15	4794	4967	1	0	2	0	630	633	
Azimgurh,	0	0	2	0	449	451	12	0	30	87	1375	1504	0	0	0	3	440	443	
Jounpore,	14	0	0	12	516	542	21	0	12	77	1675	1785	2	1	4	22	401	430	
Mirzapore,	1	0	2	17	302	322	8	0	25	91	1457	1581	2	0	0	3	345	350	
Benares,	14	0	23	0	733	770	27	0	102	0	2318	2447	18	0	23	1	590	632	
Ghazeepore,	0	0	1	3	642	646	15	0	17	103	2828	2963	1	0	1	2	334	338	
Total,	114	23	121	318	12379	12955	318	50	565	1420	52809	55162	55	2	76	235	10827	11195	
Kumaon,	0	3	0	0	183	186	19	207	0	0	1640	1866	0	27	1	0	245	273	
Subathoo,	0	0	0	0	3	3	0	0	0	0	178	178	0	0	0	0	0	0	
Grand Total,	114	26	121	318	12565	13144	337	257	565	1420	54627	57206	55	29	77	235	11072	11468	
Regulation Provinces. Judges,	100	23	121	318	216	778	229	50	565	1420	1950	4214	41	2	76	235	164	518	
Principal Sudder Ameens,	14	0	0	0	1921	1935	89	0	0	0	7494	7583	14	0	0	0	1800	1814	
Sudder Ameens,	0	0	0	0	1215	1215	0	0	0	0	3958	3958	0	0	0	0	1008	1008	
Moonsiffs,	0	0	0	0	9027	9027	0	0	0	0	39407	39407	0	0	0	0	7855	7855	
Total,	114	23	121	318	12379	12955	318	50	565	1420	52809	55162	55	2	76	235	10827	11195	
Hill Provinces,	0	3	0	0	186	189	19	207	0	0	1818	2044	0	27	1	0	245	273	
Grand Total,	114	26	121	318	12565	13144	337	257	565	1420	54627	57206	55	29	77	235	11072	11468	

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 12*th June,* 1845.

G. F. Edmonstone, *Register.*

Result of Miscellaneous and Summary Appeals from the decisions of Zillah Judges, preferred to the Sudder Dewanny Adawlut during the year 1844.

Zillahs.	*Applications for the admission of Special Appeals.*							*Summary Appeals under Reg. XXVI.* 1814, *Section* 3.							*Summary Appeals under Regulation VII.* 1825.						*All other Miscellaneous cases.*							Remarks.
	Pending 1st January, 1844.	Preferred in 1844.	Total.	Admitted.	Rejected.	Struck off or otherwise disposed of.	Pending 1st January, 1845.	Pending 1st January, 1844.	Preferred in 1844.	Total.	Decisions of the Lower Courts. Confirmed.	Reversed.	Struck off or otherwise disposed of.	Pending 1st January, 1845.	Pending 1st January, 1844.	Preferred in 1844.	Total.	Decisions of the Lower Courts. Confirmed.	Reversed.	Struck off or otherwise disposed of.	Pending 1st January, 1845.	Pending 1st January, 1844.	Preferred in 1844.	Total.	Decisions of the Lower Courts. Confirmed.	Reversed.	Struck off or otherwise disposed of.	Pending 1st January, 1845.	
Delhie,	4	58	62	14	32	7	9	0	3	3	0	2	0	1	0	1	1	1	0	0	0	10	82	92	22	10	48	12	467 Petitions of original institution in the Sudder Dewanny Adawlut unconnected with any Appeal were also disposed of during the year.
Seharunpore,	2	10	12	4	6	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	24	26	2	4	18	2	
Meerut,	9	37	46	4	29	0	13	1	2	3	0	2	1	0	0	2	2	2	0	0	0	7	57	64	6	2	43	13	
Allygurh,	4	29	33	7	12	4	10	0	0	0	0	0	0	0	0	1	1	1	0	0	0	4	50	54	15	5	26	8	
Moradabad,	13	46	59	8	31	13	7	0	4	4	1	2	1	0	0	0	0	0	0	0	0	6	41	47	2	4	39	2	
Barelly,	10	21	31	3	21	4	3	0	1	1	0	1	0	0	0	0	0	0	0	0	0	16	50	66	8	1	38	19	
Agra,	2	39	41	12	18	1	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	82	93	12	11	57	13	
Furruckabad,	9	25	34	0	26	3	5	0	1	1	0	0	0	1	0	1	1	1	0	0	0	9	38	47	6	7	31	3	
Mynpooree,	0	11	11	3	4	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	28	32	9	3	19	1	
Cawnpore,	10	52	62	6	34	12	10	0	3	3	1	1	1	0	0	2	2	1	1	0	0	11	82	93	12	4	64	13	
Futtehpore,	3	18	21	5	13	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	33	37	6	6	21	4	
Bundelkund,	6	30	36	8	21	3	4	2	6	8	4	3	1	0	0	1	1	1	0	0	0	14	31	45	5	5	22	13	
Allahabad,	9	23	32	7	20	2	3	0	0	0	0	0	0	0	0	1	1	1	0	0	0	14	25	39	11	1	20	7	
Goruckpore,	15	109	124	21	71	9	23	0	4	4	2	1	1	0	0	1	1	1	0	0	0	7	63	70	7	6	46	11	
Azimgurh,	4	64	68	6	37	10	15	2	4	6	0	8	0	3	0	2	2	0	2	0	0	20	66	86	9	5	52	20	
Jounpore,	2	27	29	7	8	7	7	0	2	2	1	1	0	0	0	0	0	0	0	0	0	19	37	56	3	4	40	9	
Mirzapore,	3	36	39	9	16	1	13	0	1	1	0	1	0	0	0	2	2	1	0	1	0	15	80	95	20	13	45	17	
Benares,	1	25	26	4	15	4	3	0	5	5	3	1	0	1	0	1	1	0	0	0	1	29	124	153	23	12	90	28	
Ghazeepore,	8	38	46	4	32	3	7	0	1	1	1	0	0	0	0	0	0	0	0	0	0	18	114	132	7	4	100	21	
Total,	114	698	812	132	446	90	144	5	37	42	13	18	5	6	0	15	15	10	3	1	1	220	1107	1327	185	107	819	216	
Kumaon,	0	2	2	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	1	0	2	0	
Subathoo,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Grand Total,	114	700	814	132	447	91	144	5	37	42	13	18	5	6	0	15	15	10	3	1	1	220	1110	1330	186	107	821	216	

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 12*th June,* 1845.

G. F. EDMONSTONE, *Register.*

REPORT

OF THE

SUDDER DEWANNY ADAWLUT

NORTH WESTERN PROVINCES

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE

FOR THE YEAR

1845.

AGRA:

PRINTED AT THE AGRA ORPHAN PRESS BY E. H. LONGDEN.

1846.

Report.

No. 781 of 1846.

From G. F. EDMONSTONE, Esquire,

Register to the Court of
Sudder Dewanny Adawlut,
N. W. Provinces.

To JOHN THORNTON, Esquire,

Secretary to the Government of the
N. W. Provinces.

Dated Agra, the 6th June, 1846.

Sir,

S. D. A., N. W. P.
Present:
G. P. Thompson,
C. R. Cartwright,
Judges,
} Esquires.
and A. W. Begbie, Esq.
Offg. Judge.

I have the honor, by direction of the Court of Sudder Dewanny Adawlut, to submit the accompanying Reports according to annexed list, and Statements in illustration of the administration of Civil Justice in the North Western Provinces, during the year 1845.

DELHIE.

2. The Statements from this District have been submitted with a Report by Mr. J. P. Gubbins, who, on the compulsory departure of Mr. C. Lindsay, the permanent incumbent on the 11th March 1845, received charge of this Judgeship, and continued until the close of the year under review to superintend the administration of Civil Justice, in a manner, which reflects credit on his energy and zeal, and called forth on more than one occasion the commendation of the Judge of this Court, to whom the duty of revising the periodical returns of business appertained. During the past year there was a remarkable falling off, to the extent of 524, in the number of suits, brought before the Civil Courts of this jurisdiction, and to this, without seeking for other reasons, a diminution of 581 in the number of decisions may be attributed: when December ended, the general file exhibited an arrear of 456 regular cases, [or 33 less than at a corresponding period of the preceeding year] of which only one, remanded to the Principal Sudder Ameen's Court by the order of the Sudder Dewanny Adawlut, was nominally of longer

Judge.		
Headings, Nos.	1 to 14, ..	425
,, ,,	15 to 17, ..	2654
		3079

Principal Sudder Ameen.		
Headings, Nos.	1 to 14, ..	501
,, ,,	15 to 17, ..	199
		700

standing than a 12 month, "nominally," because the order referred to bears date the 13th September, and the papers relating to the case in question, owing to the intervention of the Dusserah Vacation, and other unavoidable interruptions, were not received by the Principal Sudder Ameen until the 13th December, when the steps, necessary for bringing the same to a rehearing, were promptly taken. It may be added, in further evidence of the industry and intelligence of the several Judicial Officers engaged, and of the regularity, with which business is transacted in the Courts of this Territory, that, with the exception of one matter relating to the execution of a Decree, passed by the Sudder Dewanny Adawlut, no Miscellaneous application or petition of any kind, instituted prior to the commencement of 1845, awaited a final order, and that in the Courts of the Sudder Ameens and Moonsiffs the oldest regular suit, which remained undecided, was brought on the file on the 5th June 1845. The Court, adverting to the small number of suits instituted in some of the Lower Courts, conceived it their duty in the course of the year to propose for the consideration of the Officiating Judge, whether a reduction in the strength of the judicial agency might not be both practicable and expedient, and suggested, in mooting the question, that the difficulty, opposed to its execution by the large extent of the subordinate jurisdictions in the Delhie Territory, might perhaps be overcome by a re-adjustment of their limits, on the principles, laid down in the Government Resolution of October 1837; notwithstanding that Mr. Gubbins has expressed objections, which are entitled to some weight, the Court have not yet been able to come to a determination on the matter, being desirous, before doing so, of obtaining Mr. Lindsay's opinion, with which they have not yet been favored.

3. In the Judge's Court, presided over by Mr. C. Lindsay and Mr. J. P. Gubbins, for the periods abovementioned, 246 regular Appeals, and 2969 Miscellaneous cases, of which 315 related to the several matters represented in the first 14 headings of Statement No. 2, were brought to decision after investigation of the merits, and the arrear in both departments was so inconsiderable at the close of the period under review, as to satisfy the Court, that little or nothing, susceptible of disposal, remained pending; the share taken by each of these Officers in the transaction of this business is exhibited in the marginal memorandum,* and calls for no particular remark, save that, in addition to the above, 5 Appeals under Regulation III. of 1828 were determined by Mr. J. P. Gubbins in his capacity of Special Commissioner, and that the duties of the Sessions Court, comprehending the trial of 157 prisoners, implicated in 85 cases, and the disposal of 606 Criminal Appeals, occupied 172 days, inclusive of the Mohurrum and Dusserah Vacations, sittings being held on the Civil side for 84 days, and a portion of 118 others. As in 1844, so in the past year no cases of a nature to call for the aid of the Agency, permitted by Regulation VI. of 1832, came before the Court, and the Law in question was of course practically inoperative, but the reason assigned is one which might with equal validity be urged by the Judges of other Districts, who, nevertheless, find occasion for giving effect to its provisions, and acknowledge the assistance, which they invariably derive from native co-operation; the suits, brought before the Court of Delhie, partake, it is presumed, of the character by which civil actions in other parts of the country are distinguished, and might, the Court conceive, be as easily and effectively adjudicated in the manner, which the Regulation cited allows, as the latter, did the same inclination to give effect and currency to its provisions exist. The Sudder Dewanny Adawlut, in disposing of 13 Appeals† 2 Regular and 11 Special) modified or reversed, 3 of Mr. Lindsay's decisions, sending back the 2 remaining cases by remand, and affirmed Mr. Gubbin's judgment in one instance only, reversing it in 4,

* REGULAR CASES,

Decided on Trial.	By Mr. Lindsay, ..	21
	By Mr. Gubbins, ..	225
		246

MISCELLANEOUS CASES.

Disposed of	By Mr. Lindsay, ..	398
	By Mr. Gubbins, ..	2681
		3079
Deduct those struck off and transferred to other Courts,		.. 110
Decided by order on the merits, ..		2969

† From Mr. Lindsay's order, ... 5
From Mr. Gubbin's order, ... 8
13

modifying it in one, and returning the other 2 for re-investigation or re-trial, after their restoration to the original number on the file.

4. The Office of Principal Sudder Ameen would seem to have been efficiently administered during the year under notice by Mahomed Sudduroodeen Khan, whose performances have on former occasions elicited the commendation of the Court. Besides investigating and deciding 196 regular suits, (of which 98 were original and the like number Appeals), and passing orders on the merits of 369 Miscellaneous cases, and petitions, appertaining to the 14 important Headings of Statement No. 2, he was for more than a month and a half in charge of the Delhie Moonsiff's Court, owing to the removal of the incumbent, Mr. R. H. Smith, to another Office, and determined during that period 84 original suits, and a fair proportion of Miscellaneous business; he is reported moreover to have delivered his opinion as Mahomedan Law Officer in 66 Sessions trials, and is believed to have given satisfaction by his zeal, personal assiduity and intelligence; nothing has transpired during the past year of a nature to sully the reputation, which this Officer has hitherto enjoyed; his Court is said by the Officiating Judge "to be held in considerable estimation" by the native community at large, a conclusion, which receives corroboration from the paucity of Appeals, preferred to obtain reversal of his judicial decisions. That the diligence of the Principal Sudder Ameen has been equal to the necessity for its exercise, is shewn by the condition of his files, both regular and miscellaneous, which exhibited, the one 41, the other 40, cases remaining for future disposal, and that the matters submitted to his judgment have been carefully and patiently investigated, may be inferred from the fact of his decisions having been approved by his immediate superior in 23 out of the 35 Appeals, that were determined in his Court before the close of 1845; only 4 Appeals (2 Regular and 2 Special) came before the Sudder Dewanny Adawlut, by whom the Principal Sudder Ameen's order was in one case confirmed, and in one reversed, the remainder having been sent back by remand. It is only necessary to add further in regard to the operations of this Court, that of the 369 Miscellaneous cases above mentioned 115 related to the execution of decretal orders, 167 to objections brought forward in course of execution, and 68 to the 6th and 7th Headings of the Statement No. 2, all these being matters which call for time and some measure of discrimination in their disposal.

5. The business, dispatched by the subordinate judicial agency of this territory, falls short of that accomplished in 1844, and described in the 5th paragraph of the last Report, but the cause of this has been shewn above to be unconnected with any want of exertion on the part of the Officers engaged; the three Officers, who fill the Office of Sudder Ameen at Delhie, Goorgaon and Rohtuck, are, as the Government need hardly be informed, chiefly employed in the adjudication of suits, falling within the competency of a Moonsiff to decide, but it is not judged advisable to abolish the superior description of agency, without more sufficient reason, than the small saving of expence, which would be thereby effected, is thought to afford, as in that event all persons, no matter how remote their abode, would be compelled to resort to the Principal Sudder Ameen's Court at Delhie, to obtain redress in all cases beyond the legal competency of a Moonsiff; it may be sufficient to state in regard to these Courts, that when the year ended, no more than 29 regular, and 20 Miscellaneous cases of every kind remained for future decision, and that the functionaries presiding in them, in disposing of 111 original suits cognizable by Sudder Ameens, and carrying out 85 decrees to full or partial enforcement, accomplished all, that the quantity of business instituted, permitted. By these and 5 other Officers, acting as Moonsiffs, 2268 regular suits were determined on trial, at an average of 283½ to each, the inability of the majority to attain to the prescribed minimum of annual decisions being accounted for by the state of their files, which exhibited but few* depending cases when the year closed; of the above, 446 cases were tried exparte, and 768 were decreed on confession of judgment, the two items constituting a proportion of 53·52 per cent to the whole number decided on trial,

* Goorgaon, ... 59
Hissar, ... 36
Noh, ... 33
Sirsa, ... 25

but, as the Officiating Judge has not noticed the matter, it is to be presumed that in the exercise of his supervising authority he has satisfied himself, that the requirements of Law are duly observed in the one case, and that in the other, the privilege of confessing judgment is not perverted to unlawful or improper purposes: a remarkable feature in the returns from this District is the large number of adjusted claims, which amounted during the year 1845 to no less than 2488, a peculiarity, of which some explanation might have been desirable. Commendable activity has been exerted in the execution of Decrees, 897 having been completely and 717 others partially enforced, a result, which, taken together with the prompt disposal of various miscellaneous matters, more or less connected therewith, reflects credit upon the functionaries, whose performances have just been reviewed. Whatever opinion may be formed of their industry and attention on perusal of the foregoing review, no favorable estimate of their judgment can be deduced from the marginal note, which represents the result of Appeals from their decisions and shews, that the reversals bear a proportion of 42·85 per cent to confirmations. The only exception observable is the issue, with which Appeals from the orders of Sookhbasee Loll, Moonsiff of Noh, were attended, his judgment having been approved in 11 out of 15 cases, which underwent revision, in the proportion of 73·33 per cent: it would seem, therefore, that, his promotion* during the past year to the superior grade was well merited, and that there is good ground for concluding, with Mr. Gubbins, that his decisions display generally fair legal knowledge and good discrimination, and that he "possesses in a great measure the confidence of the people." Both Ikramooddeen the Sudder Ameen and Moonsiff of Delhie, and Ataoollah Khan, who occupies the like position at Rohtuc, have long served Government in a judicial capacity, and are admitted during the past year to have sustained the character for integrity, which they have acquired, but they are both so advanced in years, and so burthened with the infirmities of age, that little hope of further efficient service at their hands can be encouraged, and it would be well for their reputation, that they accepted from Government the pensioning support, to which they are entitled; in the course of the year the Court had occasion to animadvert severely upon some proceedings of the former officer, in which indefensible carelessness, and equally indefensible disregard of the legal and other instructions, by which his conduct should be governed, were ascribed to him, but they abstain from a more detailed notice of the circumstances, in the belief that it will not be suffered to recur, and that Ikramooddeen will shortly withdraw from the public service. It is only requisite to allude to the correspondence,† which has passed since the date of the last report, respecting the transfer of Mohesh Chunder, the Sudder Ameen and Moonsiff of Goorgaon, to the Bengal Division of the Presidency, and to intimate that, an opportunity offering, the arrangement proposed by the Calcutta Court of Sudder Dewanny Adawlut will be gladly adopted, while of the other two subordinate Judicial Officers of this Territory, Fuqueer Chund, Moonsiff of Hissar and Kasim Alee, Moonsiff of Paneeput, the Court regret to observe, but an indifferent character is recorded, the former being apparently held in little estimation by the people, and the latter being not only

	Tried.	*Confirmed.*	*Reversed of Modified.*	*Percentage of reversals.*
Ikramooddeen, Moonsiff of Delhie,	85	46	39	45·85
Mahomed Alee Beg, Moonsiff of Delhie,	62	40	22	35·48
Kurm Alee, Moonsiff of Paneeput,	42	22	20	47·62
Mohesh Chunder, Moonsiff of Goorgaon,	36	17	19	52·77
Ataoollah Khan, Moonsiff of Rohtuck,	27	17	10	37·03
Fuqueer Chund, Moonsiff of Hissar,	15	8	7	46·66
Sookhbasee Loll, Moonsiff of Noh,	15	11	4	26·66
Buldeopurshad, Moonsiff of Sirsa,	5	3	2	40·00
	287	164	123	42·85

* *Vide* Your letter, No. 4859, dated 19th November 1845, in reply to my address, No. 1874 dated 26th October.

† Court's letter to Government N. W. P. 1494, dated 3rd September 1845. Government in reply No. 3953, dated 16th September 1845. Government N. W. P. No. 132, dated 19th March 1846 and annexures.

careless, and ill acquainted with the Regulations, but obnoxious at the same time to suspicions, affecting the respectability of his conduct and character; Mr. Gubbins, however, desires to suspend his judgment in regard to Kasim Alee, and hopes to be at no distant period better able to offer a definite opinion.

6. Subjoined is a comparative statement of the cost, incurred by Government during the past year in the maintenance of the subordinate judicial establishments, and of the amount realized by the sale of Stampt paper filed in these Courts, the latter, it will be observed, amply providing for the former; as in 1844, so in the Statement of the past year the salaries of the three Officers, located at Delhie, Goorgaon and Rohtuck, are not included for the reason given by Mr. Lindsay and recapitulated in the 8th paragraph of the Court's last report, but if the usual expense, requisite for the maintenance of 3 Moonsiff's Courts be added to the actual outlay, there will still remain a balance of Rupees 3731 4 8, in favor of Government.

Moonsiffees.	*Cost.*	*Amount realized by Sale of Stamps.*
1st Moonsiff of Delhie, ...	0 0 0	3468 0 0
2nd Moonsiff of Delhie, ...	1597 12 9	2947 0 0
Moonsiff of Goorgaon, ...	0 0 0	1613 0 0
Moonsiff of Paneeput, ...	1680 0 0	3484 0 0
Moonsiff of Rohtuck, ...	0 0 0	2134 0 0
Moonsiff of Hissar, ...	1680 0 0	1003 14 0
Moonsiff of Noh,..	2181 12 7	1394 0 0
Moonsiff of Sirsa, ...	1680 0 0	647 0 0
	8819 9 4	17590 14 0

The Court have been gratified to observe, that an Act for the better administration of the Bhuttee Territory has been laid before the Legislative Council, and they trust, that before the close of the current year it may become Law, for the present system is favorable neither to the efficiency of the local Courts, which are too remote from Delhie to be under proper supervision, nor to the interests of the people, who are unable, for the same reason, to apply to the appellate Court for redress of their real or supposed grievances. As intimated in a preceding part of this Report, the adjustment of subordinate Civil Jurisdictions awaits the expression of Mr. Lindsay's opinion, the Court having deemed it proper, with reference to the probability of his return to the Delhie Judgeship, to afford him an opportunity of stating his views on the subject.

7. The records of this Judgeship from the commencement of 1843 are said to have been arranged in exact conformity with the plan, approved by the Court, by the unassisted agency of the fixed establishments, and without any other expense than that, incurred in the preparation of racks for the reception of the papers.

SEHARUNPORE.

8. The result of the past year's operations in this District is not unfavorably represented by the Tabular returns, which, while they shew an accession of 80 cases to the arrear on the general file, as compared with its condition at a corresponding period of 1844, shew also, that, as there were fewer suits by 203 before the several tribunals, so the decisions on trial and otherwise were

JUDGE.	
Headings, Nos. 1 to 14,..	230
,, ,, 15 to 17,..	4685
	4915

2 PRINCIPAL SUDDER AMEENS.	
Headings, Nos. 1 to 14, ..	491
,, ,, 15 to 17, ..	180
	671

less numerous by 283, facts, which cannot be said to reflect discredit on the several Officers concerned, who have all, with one exception, exceeded the fixed minimum of annual decisions, and would, there can be no doubt, have exhibited greater industry, had the income and condition of business in their Courts been such as to demand it. It may not be irrelevant to remark here, that the inequality, observable in the amount of business coming before the inferior Courts, is somewhat opposed to their general efficiency, and that the readjustment of their jurisdictions, which was proposed as the fitting remedy for this evil, was not carried into execution until after the re-opening of the Courts at the close of the Dusserah vacation: the consequence is that, though 1062 suits were disposed of by the Moonsiff of Shamlee, there were pending, when the year under report closed, no less than 433, or considerably more than $\frac{1}{3}$ of the whole number (1161) that awaited decision in all the six tribunals of this grade. The arrear for the most part comprised cases of very recent institution, and of the 6 suits, which had been on the file for upwards of a year, according to the distribution given in the marginal note,* 3 had been remanded and the papers received within the months of November and December, while the disposal of the remainder, appertaining to the Courts of the Principal Sudder Ameen and Moonsiff of Dehra Doon, was impeded by unavoidable delay in securing the service of process under Act XXVIII of 1840, for which of course no blame whatever can be ascribed to the local officer, who appears to have bestowed adequate attention on the particular cases in question; the Court took occasion, in their report for 1843, paragraph 34, to advert to the great difficulty experienced in conforming to the requirements of the Act cited, as interpreted by the Judges of the Supreme Court at Bombay and they would here add, in illustration of that difficulty, and in corroboration of their former opinion, that since the close of September no progress whatever has been uade in the cases above mentioned, owing to the failure hitherto to procure service of process, under the terms of the enactment referred to, on the defendants residing in Calcutta. In the miscellaneous department but one application for execution of Decree, of older date than the year under notice, awaited disposal, and the Moonsiff of Shamlee, before whom it was pending, did not escape blame for the needless delays apparent in his proceedings; on the whole, however, the Court are satisfied with the exertions of the officers, who compose the subordinate judicial agency of this District, and with the manner, in which Mr. Harvey, the officiating Judge, has supervised their official acts.

* Principal Sudder Ameen, ...	2
Principal Sudder Ameen Deyrah Doon	2
Moonsiff of Deyrah Doon, ...	2
	6

9. The Judge's Office was administered until the 18th April by Mr. W. H. Benson, on whose compulsory departure the Principal Sudder Ameen received charge of the current duties, and retained it until the 21st when Mr. G. F. Harvey relieved him, and continued to officiate as Judge until the close of the year under report. The quantity of business dispatched, comprehending the decision on trial of 246* Appeals, and the determination after investigation of the merits, of 145† cases under the first 14 headings of Statement No. 2, could hardly have been exceeded, with reference to the condition of the files, both regular and miscellaneous, which, when the year ended, comprised in the former department but 105 (32 less than at the close of 1844) and in the latter but 56 cases, requiring a final order; the marginal memorandum denotes the degree,

		MISCELLANEOUS.	
	Regular.	*Headings.* 1 *to* 14.	*Headings,* 15 *to* 17.
Mr. Benson,.....	32	55	1280
Mr. Harvey,.....	214	175	3404
Principal Sudder Ameen,	0	0	1
	*246	230	4685
Deduct struck off and transferred to other Courts,		85	311
Disposed of on merits, ...		†145	4374

in which each of the officers mentioned contributed to the disposal of this business and suggests no other remark, than, that the deficiency of Mr. Benson's performances must be presumed to have been caused by the ill health, to which during the period of his incumbency he was constantly subject, and by the reduced capability of exertion, thence resulting. Sittings were held on the Civil side for 168 days, and Sessions and Criminal duties occupied 81 days, less considerably than in 1844, when the attention of the Judge was thus engaged for 100 days. The Court know not, that the operations in this Court call for further remark, save, that the agency, provided by Regulation VI. of 1832 was not called into action, and that Mr. Harvey anticipates with confidence, that before the close of the year "Appeals will be brought on for hearing, as soon as the period of the prescribed notice to parties shall have elapsed," seeing, that, when he first received charge, "the cases at the head of the file were a year old" while at the end of December he was trying cases, instituted in the month of August. No Appeals from Mr. Harvey's decisions came before the Court during the past year.

10. Mahomed Hossein, the Principal Sudder Ameen of Seharunpore, resumed the duties of his office on the 1st February, having been compelled by severe illness to obtain an extension* of leave until the end of January: he passed decisions after trial on 169 original suits, his aid not having been required in the adjudication of Appeals, and left but 67 for future disposal, all but two of which were instituted within the year under report; while in the miscellaneous department the sufficiency of his industry is testified by the determination on their merits, of 262 miscellaneous cases under the first 14 headings of Statement No. 2, inclusive of 153 applications for execution of Decree, struck off after full or partial enforcement, and 81 Petitions of objection to orders passed in course of execution: the aspect of business in this Court was in every respect satisfactory, and though the Principal Sudder Ameen's decisions on regular suits are numerically small, and fall short of the prescribed standard, the Court cannot on that account withhold from this functionary the praise, which is due to his exemplary conduct, and to the promptitude and regularity, with which he would seem to have attended to the business, calling for decision at his hands—his services were not made available in the Magisterial department. Of the judicial ability of Mahomed Hossein and the integrity of his character the Court have every reason to think favorably, with advertence as well to the opinion of Mr. Lushington the late Judge of Seharunpore, as to that of the present incumbent Mr. Harvey, who bears testimony to his respectability, and adds, that "his decisions are most carefully made, and afford very general satisfaction;" this conclusion certainly receives corroboration from the result, with which appeals from his decisions were adjudicated, his judgment having been approved in 37 out of 46 cases, that underwent revision, no less than by the fact of only 45 appeals having been instituted to obtain reversal of his orders. Subordinate to the jurisdiction of the Seharunpore Court is another Officer, the Superintendent of Dehra Doon, who exercises the functions of a Principal Sudder Ameen, and who in that capacity disposed of 27 suits, besides deciding on trial 134 regular cases as Moonsiff, and carrying out 123 Decrees to execution, either full or partial, in both these capacities: the falling off in the quantity of work dispatched is plainly attributable to the diminished income of business, inasmuch as the files of both departments exhibit a decrease in the amount of depending arrear, as compared with its condition at the end of 1844; of the 134 regular suits, on which judgment was pronounced by Mr. Vansittart, as Moonsiff, 33 were tried exparte, and 39 were decreed on confession of judgment, the proportion of such decisions being considerably smaller, than that, which attracted attention, and elicited remark in the 13th paragraph of the last report. After the experience of the past three years the Court consider

* *v.* The Asst. Secretary's letter No. 203, dated 17th January 1845.

	As Princl. Sud. Ameen.		As Moonsiff.	
	Instituted.	*Disposed of.*	*Instituted.*	*Disposed of.*
1844	29 ..	22 ..	268 ..	287
1845	24 ..	27 ..	254 ..	255

themselves warranted in the conclusion, that the judicial wants of this jurisdiction are adequately provided for by the existing agency, and that the project, once contemplated, of augmenting its strength may be, without apprehension of evil consequences, once for all abandoned. Mr. Vansittart would seem, so far as the Court have means of forming a judgment, to have discharged the difficult duties, delegated to him, with the zealous and conscientious attention, which elicited the good opinion of Mr. Lushington,* and it is therefore, matter for regret, that since the commencement of the present year he has been removed from a position, in which there seemed to be every probability of his acquiring honorable distinction. Mr. Vansittart's decision was upheld in 9 out of 12 cases, that were carried up in appeal to the local appellate tribunal. In reply to a question, recently proposed as to the competency of the Civil Court at Deyrah Doon to take cognizance of plaints ordinarily referrible to the Military Courts of Requests (which owing to the departure of the Sirmoor Battalion on service had ceased to assemble) the Court observed, that they had no authority to supersede the restrictive provisions of Regulation XX. of 1810, which are positive and unequivocal, and that, if Troops were still located in the cantonments of Landour and Deyrah Doon, the suits referred to could not be adjudicated in the Civil Court of the District—the inconvenience, arising from the want of Military Courts of Requests (a want, which it rested with the Government to make good) cannot be remedied by the infringement of an express legislative enactment.

* V. Para. 13 of Report for 1844.

11. Five cases, which came before the Sudder Dewanny Adawlut in regular appeal from the Principal Sudder Ameen's Court at Seharunpore, terminated, three in the confirmation of his order, and two in remand.

12. Exclusive of the Officer located in the Doon, there are five Moonsiffs attached to this Judgeship, and the adjustment of their jurisdictions, of which the completion was reported to you in my letter No. 1164, dated 3rd July 1845, left the numerical strength of this agency unaltered, but there still may be reason to doubt, whether it is adequate to the judicial wants of the District, seeing that, inclusive of those (1012) remaining over from 1844, there were 5069 suits pending before these five tribunals during the year under report, and of these no less than 1495 appertained to the Court at Shamilee. It is very creditable to the several Officers engaged, that their diligence has been commensurate with the necessity for its exertion, and that, aided by adventitious circumstances, they have succeeded in preventing the accumulation of an inconveniently large arrear: it is obvious, however, that, had not a very large proportion* of regular suits been struck off on default, adjusted and withdrawn, and a considerable number been disposed of exparte† and on confession ‡ of judgment, the Moonsiffs could not have been able to contend successfully with the mass of business brought before them, and as it is, there may be ground to apprehend, that proper deliberation may in many cases have been sacrificed to the excusable desire of keeping pace in some measure with the income of work. These officers decided on trial 2017 regular cases, at an average of 403 to each, and carried out to complete or partial execution 1171 decretal orders, in the proportion of 547 to the former and 624 to the latter category; on the other hand no less than 1780 applications for execution of Decree were struck off without any portion of the Decree being carried into effect, on failure of the Decree-holder to proceed in the matter, and the details, contained in the Tabular returns, shew that of the 3108 cases, in which Petitions suing out execution were presented during the year, no more than half were newly instituted, 1528 having been "*re-admitted*" cases; if, therefore, the large proportion of applications, struck off on default, afford ground to apprehend the prevalence

* Struck off on default,	264	
Adjusted or withdrawn,	1673	
	1937	
† 476		
‡ 652		
1128		

of an erroneous practice, and suggest the expediency of a vigilant supervision being maintained by the Zillah Judge, it may be reasonably inferred from the large number of re-admissions, that Decree-holders are not deterred by the system in operation from reviving measures to secure the satisfaction of claims, adjudged to be equitable, and that, practically, the system in question is productive of no evil; in fact, no good purpose can be answered by retaining on the file cases of execution of Decree, when the parties have failed for a fixed and notified period to proceed in the matter, for, without their co-operation the Courts are helpless, and no expense whatever is involved in the revival of the application. Mr. Harvey, the Officiating Judge is endeavoring to obtain a classified return of the cases disposed of in the manner under notice, and promises to report on the result of his enquiries at the close of 1846; his proposal to punish the laches of a Decree-holder in one instance, by refusing execution on a subsequent occasion, unless he shall explain the cause of his first default, has been negatived by the Court, as calculated, if it were enforced, to produce much confusion, and to embarrass seriously the operations of the Courts. Reverting to the unequal distribution of labor in the Moonsiff's Courts of this District, the Court would fain hope, that the arrangement of jurisdictions, which took effect in November, may be the means of correcting it; otherwise, the necessity of either modifying that arrangement, or creating auxiliary agency may be anticipated.

13. In the marginal* memorandum is exhibited the issue of Appeals from the decisions of the Officers, whose performances have just undergone review, and a favorable opinion of their judicial qualifications may be justifiably deduced, conditionally of course on the exercise of a sound discretion on the part of the reviewing officer; as the character, given of all the incumbent Moonsiffs by one very competent to form a just opinion, was described at considerable length in the 12th paragraph of the last report, it may be sufficient to add, that Mr. Harvey expresses himself satisfied with their exertions, that an opportunity was found during the past year, of acknowledging the merit and rewarding the past services of Ameenooddeen Moonsiff of Shamilee by his elevation† to the superior grade, and that Mr. H. N. L. Berkeley, the Moonsiff of Seharunpore has, either on the ground of alleged sickness, or on some other pretext, been absent from his post during nearly the whole of the period under report: the Court are by no means satisfied, that Mr. Berkeley might not without prejudice to his health have rejoined his appointment much earlier than he did, on the contrary, they are induced to believe, that their indulgence has been abused, and they have on a recent occasion apprized Mr. Berkeley, that no further leave of absence will be granted to him.

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
* Sheik Ahmed, Moonsiff of Sirsawah,	23	17	6	26 · 08
Busheeroollah, Moonsiff of Deobund,	41	30	11	26 · 83
Ameenooddeen, Moonsiff of Shamilee,	49	35	14	25 · 57
Mahomed Yuheea, Moonsiff of Moozuffernugger,..	18	13	5	27 · 77
	131	95	36	27 · 48

† V. My letter No. 1088, dated 24th June.
Your reply No. 2849, dated 7th July 1845.

14. The following statement exhibits the expenditure on account of the inferior judicial establishments in this District during the past year, and the amount realized by the sale of Stamps, filed in the several Courts, the latter exceeding the former in the large sum of Rupees 13,905.

Moonsiffee.	*Cost of establishment.*				*Amount realized by sale of Stamps.*		
Seharunpore, ...	1680	0	0	....	3822	12	0
Chilkanah (now Sirsawah,)	1680	0	0	....	4227	0	0
Deobund, ...	2280	0	0	....	4587	8	0
Shamilee, ...	2015	0	0	....	5240	8	0
Moozuffernugger, ...	1680	0	0	....	3808	6	0
Deyrah Dhoon, ...	0	0	0	....	1553	14	0
	9335	0	0		23240	0	0

In the correspondence noted marginally* will be found detailed the steps, taken by the Officiating Judge for the assortment and arrangement of the records of this Judgeship; while a temporary establishment was sanctioned for the purpose of aiding in the work, and the expenditure of Rs. 500 in the preparation of racks was authorized, the destruction of all records up to the end of 1832 of the nature described in Circular Order, No. 81, dated 1st February 1833, and in the list annexed to Circular Order, Sudder Dewanny Adawlut, Lower Provinces, No. 112, dated 1st August 1834, after observance of the precautions customary in such cases, was directed, an exception being made in favor of all records, relating to suits for real or landed property, and to appeals from the decisions of the Moonsiffs in such cases; Mr. Harvey was further desired to take the plan approved by the Court and circulated under date the 20th January 1843, as his model in the re-adjustment of the records of this Judgeship, and was advised, in destroying the papers, to follow the system subsequently prescribed for general adoption in the Court's Circular Order, No. 1210, dated 14th July 1845; the work is reported to have been progressing satisfactorily, and the Officiating Judge hopes to report its completion shortly. An illegal practice, found to prevail throughout this jurisdiction, of requiring "*Dukhlnamehs*" to be engrossed on Stamped paper, was brought to notice by Mr. Harvey during the year, and was prohibited by the Court, with advertence to the rule determined by Construction No. 870; a few other irregularities, relating to the calculation of Ameen's fees, were likewise corrected, but it is needless to trouble the Government with any details, or with any further remarks on the past year's administration, which has been on the whole successfully and creditably conducted.

* My letter No. 1158, dated 2d July 1845, Your reply No. 3014, A. dated 17th Idem.

MEERUT.

15. The Court, adverting to the interruptions occasioned by numerous changes of incumbency in the Civil Courts of this district during the past year, to the heavy pressure of Criminal business, and the late period at which relief was afforded by the appointment of an additional Judge, to Mr. Begbie's occupation as Special Commissioner under Regulation III. of 1828, and to his compulsory absence for the period of a month on account of severe illness, as well as to other circumstances which will be hereafter more particularly noticed, cannot but regard it as a somewhat fortunate contingency, that, while the number of suits instituted in the several tribunals of this jurisdiction was smaller by 492, the business before the Courts was likewise smaller by 723 suits than in the year 1844, during which, though intermissions of official labor necessarily occurred, the constituted judicial agency was in more steady and continuous exercise than can be said to

JUDGE.

Headings, Nos. 1 to 14	255
„ „ 15 to 17	2946
	3201

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14	461
„ „ 15 to 17	1
	462

have been the case during the period under report. It is no matter of astonishment, therefore, that there has been a falling off in the number of decisions on trial to the extent of 470; on the contrary, there is room for congratulation in the fact that a reduction of 343 cases in the amount of the depending arrear has been accomplished, thus shewing that the industry of all the officers engaged has been exerted in a measure, fully equal to the dispatch of all the business brought before them, and in the further testimony borne to their zealous application by the character and condition of the arrear in question. Of the 1114 suits, which composed it, no more than 10, according to the distribution given in the margin,* were of older date than the year under report, while of these, 2 were decided in January 1846, and the remaining 8, which had all been remanded by the superior Courts for re-investigation and re-trial either in September or December 1845, could not, consistently with the due observance of legal requirements, have been ready for adjudication, when the year terminated; it is of course almost superfluous to add in regard to these cases, that in examining the detailed recital of proceedings, held in them, no reason was found for the ascription of remissness or irregularity to the functionaries, before whom they were pending, and that the state of the general file in the regular as well as in the miscellaneous department, which shewed but 2 cases of longer standing than a year, is thought by the Court to reflect much credit on the subordinate judicial authorities, and to entitle Mr. A. W. Begbie to the acknowledgments of the Court for the care and vigilance, with which he has supervised their official acts, and the energy, with which he has overcome all the obstacles, that were opposed to the exhibition of successful results at the close of the period under notice.

* ORIGINAL SUITS.

1844.

Sudder Ameen, ...	1	1
Moonsiff of Meerut, ..	3	3
Moonsiff of Hauper, ..	1	1
Moonsiff of Secundrabad,	1	1
Moonsiff of Boolundshehur,	2	2
Moonsiff of Sirdhana, ..	1	1

APPEALS.

Judge, ... 1 of 1843, ..	1	
		10

16. In the 18th paragraph of the Civil Report for 1844, allusion was made to Mr. Begbie's remonstrance regarding the delegation to him of the Special Commissioner's duties on the abolition of that appointment, and to the unsuccessful attempt of the Court to get him relieved from the embarrassment, which an undue pressure of work always occasions, and an exposition of the effects produced by the denial of auxiliary agency was reserved for the period, when the operations of the year 1845 should come under review. The Court are glad to observe, that the results, which might have been anticipated, have not ensued, for though the Judge's Court may be said to have been virtually closed for nearly five months under the circumstances, reported in the enclosure of my letter No. 1595, dated 12th September, and though Mr. Begbie was enabled to devote only 84 days† to the dispatch of Civil business, 145 having been occupied in the hearing of Sessions trials, Criminal Appeals, and Appeals under Regulation III. of 1828, he has succeeded, with the zealous and efficient aid of the Officers, who presided in the Principal Sudder Ameen's Court, in disencumbering his files of all arrears, whether regular or miscellaneous, and in maintaining unimpaired the reputation for personal assiduity and judicial efficiency, which he has deservedly acquired. His performances comprehended the decision on trial of 109 Appeals from the decisions of the Lower Courts, and the disposal, after investigation of the merits, of 200 miscellaneous cases under the first 14 headings of Statement No. 2, besides 2890 orders passed on the various matters, appertaining to the remaining headings of the same return; the work, thus dispatched, falls short of that accomplished in 1844, it is true, and that relating to the regular department is not equivalent to the prescribed standard, but there can be no reason to com-

† Mr. Begbie was indisposed and absent on leave for 47 days.

plain, when it is found that the regular file, when the year ended, exhibited only 102 cases (59 less than at the end of 1844), awaiting future decision, and that little, unsusceptible of early decision, remained pending in the miscellaneous department. It is, however, needless to attempt concealing, that to the timely aid, accorded by Government in the appointment* of an Additional Sessions Judge towards the close of the year, the satisfactory aspect of business, as represented above, is to be attributed, and that, had this assistance been withheld, a large and inconvenient arrear would have accrued, without discredit certainly to Mr. Begbie, but not without detriment, it may be presumed, to the interests of the litigant community and the character of the administration. The Court have further to add, in regard to the proceedings of Mr. Begbie in his supervising capacity, that during the past year the requisitions of the Civil Courts, relating to execution of Decrees, have met with more prompt attention and more speedy fulfilment at the hands of the Collector of Meerut, than in 1844, when, as the Government are aware, the Court "deemed it proper to bring under consideration the question, whether the power of coercion and reproof did not under the Regulations rest immediately and directly with the Sudder Dewanny Adawlut rather than with the Sudder Board of Revenue," a question, which was never brought to a definitive issue, and which the Court, in deference to the wishes of the Hon'ble the Lieutenant Governor, North Western Provinces, have consented to abandon the discussion of, though by no means satisfied that the Law is conclusive on the subject; there is the less reason to regret, that this discussion should have been interrupted since intermediately a Legislative enactment, designed to provide for the better execution of decretal orders, has appeared, and afforded the Court an opportunity of proposing subsidiary rules, having the same object in view, for the approval of the Supreme Government. No cases were decided in the Zillah Court with the aid of the agency permitted by Regulation VI. of 1832, to the more extended operation of which the reluctance of Native litigants, generally, to accept the arbitration of their countrymen is thought by Mr. Begbie to contribute.

* My letter No. 1595, dated 12th Sept. / Your reply No. 10, A. dated 10th Nov. } 1845.

17. Under the orders of Government communicated in your letter No. 1980, dated 10th May 1845, Nuwab Abdoolah Khan the Principal Sudder Ameen of Meerut obtained leave of absence for a period of 3 months—subsequently extended to 5 months† on medical certificate, and in pursuance of the Court's recommendation Mr. Begbie's nomination of Baboo Shama Churn Banerjea, Officiating Sudder Ameen and Moonsiff of Meerut, to Officiate in the place of the absentee was approved, the contemplated absence of the incumbent being too short to admit of any preferable arrangement being made; the Baboo, however, has vindicated the justness of Mr. Begbie's favorable opinion, and the propriety of his selection, by the zeal, intelligence and ability which he has exhibited in the discharge of the arduous, novel and responsible duties, that unexpectedly devolved upon him. In this Court, administered by the functionaries named, 265 regular suits, of which 72 were original and 193 Appeals from the decisions of the Sudder Ameens and Moonsiffs, were determined on trial, and 462 miscellaneous cases, comprising the complete or partial execution of 155 decrees, and the disposal of 126 cases of objections, were brought to conclusion; the degree in which each of the Officers above named participated in the dispatch of this business is noted in the margin,‡ and it is thought by the Court to be creditable to both, that a very considerable reduction has been effected in the arrear of the miscellaneous file, as compared with its condition at the end of 1844, and that efficient aid was rendered by them in the adjudication of Appeals at a time, when the Judge

† V. my Docket No. 1453, dated 21st August, Your reply No. 3671 dated 29th Idem.

‡ REGULAR SUITS.

Nuwab Abdoolah Khan, ...	152
Baboo Shama Churn, ...	113
	265

MISCELLANEOUS CASES.	
Nuwab Abdoollah Khan, ...	244
Baboo Shama Churn, ...	207
	451
Deduct struck off, ...	173
Decided by order on the merits,	278

was precluded by the pressing nature of his other avocations from giving his attention to that branch of duty; the only regular suit, instituted before the beginning of the year to which these remarks relate, was decided on the 16th January of this year, and the one case of execution of Decree, similarly protracted in its duration, was prolonged by no fault of the functionaries, whose labors have just been reviewed. In the absence of any actually expressed opinion, on Mr. Begbie's part, the Court are again constrained to form a judgment of the Principal Sudder Ameen's judicial capacity on the result of Appeals from his decisions, of which 22 underwent revision; if it be thought favorable to Nuwab Abdoollah Khan's judgment, that in 15 cases or more than 68 per cent, no reason was found for interfering with his order, the fact of only 9 Appeals having been preferred during the past year may be taken as an indication of the satisfaction, generally, with which his decisions are received, and a creditable symptom of the estimation, in which he is held by the native community; of 11 Appeals, instituted to obtain reversal of decisions, passed by Baboo Shama Churn in the capacity of Principal Sudder Ameen, none were brought to a hearing before the period under report came to a termination. The services of these functionaries were not availed of by the Magistrate.

18. The Sudder Dewanny Adawlut, in disposing of 4 special Appeals from the Judge's Court, confirmed Mr. Begbie's order in one, reversed it in two cases, and sent back the remaining one by remand for re-investigation or re-trial; while out of 7 Appeals (2 regular and 5 special) from the decisions of Nawab Abdoollah Khan, Principal Sudder Ameen, one only terminated in the affirmation of his judgment, one was adjusted and the other 5 were all remanded.

19. The office of Sudder Ameen was vicariously administered throughout the year under report; until the 22d May, by Baboo Shama Churn Banerjea, and subsequently by Mr. V. Berkeley, the Moonsiff of Boolundshehur, who in the year 1844 received honorable mention in the Judge's report, and was under the orders of Government conveyed in your letter, No. 3188, dated 26th July last, advanced to the superior grade of Moonsiffs, in compliance with the recommendation of the Court, who were induced to form a favorable opinion of his industry and judgment, and were satisfied of his probity and his impartiality in discharging his judicial functions. In this tribunal 192* original suits were determined on trial, 140 more having been otherwise disposed of, and when 1845 ended, the depending arrear consisted of 65 cases, or 35 less than at a corresponding period of the preceding year, while in the miscellaneous department 463 cases of all descriptions were disposed of, 302, inclusive of 201 decrees either fully or partially enforced, having had orders passed on their merits, and the remainder having been struck off the file for default or other sufficient reason. It will thus be seen that the quantity of business, dispatched in this Court during the past year, considerably exceeded that, which was brought to conclusion in 1844, when its efficiency was, so to speak, paralyzed by the incompetency of the late incumbent Abdool Wahid Khan, and by the changes, which were, subsequently to his retirement, necessitated by the exigencies of the service, and it may be presumed, from the satisfactory state of the files at the end of the year, that nothing capable of disposal, remained undisposed of. Such remarks, as the Court may have to make in regard to the official qualifications of Mr. V. Berkeley, will find a more appropriate place in a succeeding part of this report, which shall treat of his performances as Moonsiff;

* NOTE.—The following memorandum shews the share taken by Baboo Shama Churn Banerjea and Mr. V. Berkeley in the dispatch of the business described in the text.

	Regular.	*Miscellaneous.*
Baboo Shama Churn Banerjea.	133	305
Mr. V. Berkeley, ...	59	158
	192	463

but few Appeals from his orders, as Sudder Ameen, came to hearing before the period under notice closed. In regard to Baboo Shama Churn Banerjea it may be sufficient to observe that the Court have endeavoured to mark their sense of his merit by recommending him for promotion* to the superior grade of Moonsiffs, and more recently by selecting and nominating him to officiate as Sudder Ameen of Goorgaon, where there is every reason to expect he will maintain unblemished the fair reputation, which he has acquired by praiseworthy conduct, and the exhibition of good judgment in the performance of his judicial duty: of 20 Appeals, that were tried from decisions, passed by him in the various capacities of Principal Sudder Ameen, Sudder Ameen and Moonsiff, only 7 (35 per cent) terminated in the reversal or modification of his judgment, but it is proper to add that, whatever may be thought of this result, the small proportion borne by Appeals instituted within the year to cases determined on trial (as exhibited in the margin†) clearly denotes the care, bestowed upon the investigation, and the discrimination exercised in the decision of the questions, submitted to his adjudication.

* *v.* my letter No. 1051, dated 16th June 1845.
Your reply No. 2759, dated 30th Idem.

† Decided on trial, 247
Appeals Instituted, 46

20. As reported for the information of Government in my letter, No. 1164, dated 3rd July 1845, the adjustment of the subordinate Civil jurisdictions was completed, during the past year, in communication with the Judge of Seharunpore, who was required to make arrangements for the annexation of certain tracts, formerly belonging to the Meerut Moonsiffee, to the jurisdiction of the tribunal located at Moozuffernugger, but this revision left the number of the Moonsiff's Courts, subordinate to the Judgeship of Meerut, unaltered; it was found advisable, however, to remove 4 out of the 7 Courts to more centrical places, and to change the designation of the several officers accordingly; the new arrangement was brought into operation on the re-opening of the Courts after the Dusserah Vacation, and it is not possible at present, considering the temporary impediments thrown in the way of business by such changes, to predict with any approach to certainty the result of the measure, but Mr. Begbie sees ground to apprehend that some inequality in the income of business may be the consequence, and promises, should the experience of the current year confirm this supposition, to suggest such steps as may appear best fitted to remedy the evil. What with these changes, the resignation‡ of the Moonsiff of Hauper, the temporary employment of the Moonsiffs of Meerut and Boolundshehur in a superior office, the death of the Moonsiff of Puhasoo, and the suspension of the Moonsiffs of Sirdhana and Sekundrabad towards the close of the year, the interruptions to the transaction of business have been unprecedentedly great, but they have been in a measure counteracted by the large decrease in the income of suits, and the commendable activity of the several functionaries employed, to whom the condition of the files at the close of the year must be pronounced creditable. These Officers passed decisions after trial on 2270 regular suits (420 less than in 1844), and gave orders on the merits of 2512 miscellaneous cases of all descriptions, inclusive of 2118 applications for execution of Decree struck off after full or partial enforcement, in the proportion of 840 to the former, and 1278 to the latter category; an amount of work, which, though it fall short of that effected in 1844, would seem to have been fully commensurate with that, brought before the Courts, and may be taken, in conjunction with the fact of diminished arrear in both departments, as evidence of zealous and industrious application. There were no miscellaneous cases, of longer standing than a year, awaiting decision in these Courts, and of the 7 regular suits in that condition it has been noted, that their protraction was attributable to circumstances beyond the controul of the Officers, before whom they were pending. Of the 2270 suits, marked as having been determined on trial, 605 were tried exparte, and 909 were decreed on confession of judgment, the two items

‡ V. para: 23 of last report.

constituting together a proportion of 66·69 per cent to the aggregate number tried, which approximates very closely to the ratio, that the detailed returns for 1844 exhibited; Mr. Begbie, in commenting on these particulars, repeats the opinions, expressed by him in his report for 1844, to the effect, that while the large number of exparte decisions favors the presumption, that the rules regarding service of notice on defendants are fraudulently evaded by plaintiffs in our Courts, many of those suits decreed on confession of judgment are collusive, and a large proportion of those* dismissed on default, adjusted or withdrawn, are litigious and groundless.

* 2455 were thus disposed of in the Moonsiffs' Courts.

21. In the marginal extract from the Appeal Statement is exhibited the aggregate number of Appeals from the Moonsiffs' Courts, adjudicated by the Judge and Principal Sudder Ameen prior to the expiry of the year 1845, but it would be unprofitable to comment on the general result, with which they were attended, seeing that many of the functionaries, whose decisions were thus subjected to revision, have been removed by death, resignation or dismissal from the judicial department, and that their successors have been in office for too short a period to admit of any satisfactory conclusions, in regard to their judicial qualifications, being deduced from the issue of the few Appeals, that went to decision from their orders. It should be observed, nevertheless, as conveying a favorable impression of the judicial capacity of Mahomed Buksh, Moonsiff of Debhae (quondam Puhasoo), that his judgment was suffered to stand unaltered in 14 out of 19 cases, that were brought before the Local Appellate Court, and that Appeals instituted within the year bear a proportion of only 7 per cent to the number of his decisions—facts, that reflect credit on this Officer, who is very young in judicial service and experience; in regard to Mr. Berkeley, who in one capacity or another was attached to this District throughout the period under notice, the Court regret to remark, that he has not maintained the position he occupied in 1844, and that the review of his labors is pronounced by Mr. Begbie to be far from satisfactory; this opinion is too truly corroborated by the Appeal statement, which shews that his orders were appealed in the proportion of 35·50 per cent, and that of 60 regular decisions, which underwent revision, 21 or a proportion of 35 per cent were reversed or modified, while of his performances in the miscellaneous department a still more unfavorable impression is received from the Judge's comments, and the data, on which they are founded; the Court are reluctant, nevertheless to recal the opinion, which they have expressed of this Officer's character, being persuaded of his integrity, and his anxious desire to discharge his duties creditably and conscientiously, and they will therefore hope, that Mr. Berkeley will endeavor during the present year to recover the high place, which he once held in the estimation of his superior, and to vindicate his title to the promotion, which, in the full conviction of his merit, was during the past year conferred upon him. Since the close of the year 1845, two Officers of this grade, Runjeet Singh of Sirdhana (quondam Khetowlee) and Kunhya Loll of Sikundrabad (quondam Soorujpore) have been dismissed from the judicial service under the provisions of Section 26, Regulation V. of 1831, their notorious disrepute being, in the estimation of the Court, a complete disqualification, and it is hoped that the penalty thus inflicted may operate as a salutary example to others; although this measure was recommended by the Commissioner of the Division and the Judge jointly so far back as October 1845, it was not until the month of February, that it was carried into effect, the interval having been occupied under the direction of the Court in the prosecution of a detailed enquiry into the character and past conduct of those Officers, an enquiry, which was conducted by Mr. Begbie with commendable patience, and impartiality,

	Tried	*Confirmed.*	*Reversed or modified.*	*Percentage or reversals.*
By Judge,.....	75	52	23	30·66
By Prinl. Sud. Ameen,	175	111	64	36·58
	250	163	87	34·80

and terminated in fully satisfying the Court of the propriety of dispensing with their services, though they stood convicted of no specific offence: with every disposition to respect the deliberate opinion of the Commissioner and the Judge, the Court were reluctant to adjudge the extreme penalty of dismissal, until a full investigation should satisfy them of its unquestionable justice and expediency, being apprehensive, that, if on the faith of a rumor, however universally credited, but unsupported by a single established fact, two judicial functionaries were removed from office, others might be deterred from an upright and independent discharge of their duties by the dread of rendering themselves obnoxious to the resentment of suitors or the retainers of their Courts, and incurring the heavy penalty of a disrepute, having possibly no other foundation, than the malicious misrepresentation of a dissatisfied litigant, a designing official, or a disappointed candidate for public employment; these consequences have been, the Court would fain hope, obviated by Mr. Begbie's laborious investigation, at the same time, that under the sanction of the Law two worthless individuals have been expelled from a service, which, whatever its character may be, *should* not be distinguished for the "venality and corruption" of its members.

22. The following comparative Statement shews that the actual expense, incurred by Government in the maintenance of the judicial establishments of this District, has been more than counterbalanced by the revenue, realized by the sale of Stamps filed in the several Courts.

Moonsiffee.	*Cost of establishment and Moonsiff's Salary.*			*Amount realized by Sale of Stamps.*		
Moonsiff of Meerut, ...	1823	12	5	3108	0	0
Ditto of Hauper, ...	1803	13	11	3396	0	0
Ditto of Sekundrabad, ...	1542	8	0	2320	0	0
Ditto of Boolundshehur, ..	1843	6	8	2487	0	0
Ditto of Debaee	1921	12	6	1519	6	0
Ditto of Sirdhana, ...	1542	8	0	2774	8	0
Ditto of Dasna, ...	1680	0	0	2480	4	0
Rs.	12157	13	6	18085	2	0

The Court are glad to find from Mr. Begbie's report, that the Magistrate of Meerut is engaged in removing to his own office the records, appertaining to his department, which were mentioned in the 24th paragraph of the Court's Report for 1844, as being deposited in the Judge's Kutcherree, and that the vacation of the apartments thus occupied will place it in the power of the Judge to improve the arrangement of his own papers. Extract (para. 31) from Mr. Begbie's letter, which represents the great augmentation of labor, caused by the Circular Order of the Accountant, North Western Provinces, regarding judicial deposits, has been forwarded to the Accountant for his consideration, and for such orders as he may think proper to issue; the trouble, which the complicated system prescribed occasions, is known to be great, but it seems very questionable whether the precautions against embezzlement can be safely dispensed with, another instance, similar to that in which the Circular Order in question originated, having been but recently brought to the Court's notice. There is no other matter, touched upon in Mr. Begbie's satisfactory report, which calls for special notice.

ALLYGURH.

23. The Statements from this District shew, that, though during the past year 829 more suits were instituted, and the business before the Courts, inclusive of the arrear remaining over from 1844, was larger by 1082 cases, than in the period last mentioned, the decisions on trial were at the same time more numerous by 841, and those, otherwise finally disposed of also more numerous by 403, so that, when 1845 closed, the arrear on the general file was smaller by 162 cases than at a corresponding period of 1844; it should be added, that this arrear comprised no original Suit or Appeal of longer standing than a twelve month, and that the condition of the miscellaneous file was equally satisfactory in this respect, results, which are thought to reflect credit on the diligence of the Uncovenanted Judicial Officers, and the care and efficiency, with which Mr. Tierney the Judge has latterly exercised his controlling authority. This state of things is in favorable contrast with that, represented in the 26th paragraph of the Court's Report for 1844, and that it will be maintained the Court have every reason from the experience of the past year to expect, the strength of the agency having been increased by the appointment of a Sudder Ameen in August last, and the importance of a close supervision over the acts of the subordinate officers having been practically recognized by Mr. Tierney, with whose remissness in this respect the Judge of this Court, who revised the periodical statements from this District, saw ground on one occasion to find fault; it is only just to Mr. Tierney to add, that no sooner was the defect pointed out, than it was corrected, and that, ever since, his attention has been unremitting, as his personal assiduity has been exemplary: the results are apparent in the successful issue of the past year's operations.

JUDGE.	
Headings, Nos. 1 to 14	332
„ „ 15 to 17	6086
	6418

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14	726
„ „ 15 to 17	634
	1360

24. Mr. Tierney, who held the office of Judge throughout the year without any intermission, sat on the Civil side for 194 days, (being occupied for 56 in the hearing of Sessions trials and Criminal Appeals) and decided on trial 201 regular Appeals without having recourse to Regulation VI. of 1832, besides disposing of 42 cases as Special Commissioner under Regulation III. of 1828: his work in the miscellaneous department comprised the investigation and decision of 296 cases, under the first 14 headings of Statement No. 2, consisting chiefly of Petitions of Summary Appeal, Petitions of Appeal under Regulation VII. of 1825, and of miscellaneous and interlocutory Appeals, all of which require time, and the exercise of a good discretion in their disposal, and as might have been expected, the arrear on his file was composed principally of these Appeals; their number seemed to the Court on a recent reviewal of the periodical statements (for January 1846) so considerable, and the importance of reducing it so urgent, that the Judge was advised to give his undivided attention to this object, and empowered to make over as many of the pending regular Appeals as possible to the Principal Sudder Ameen for hearing and decision. The services of this Officer, Vilayat Alee Khan by name, would seem to have been judiciously availed of and directed during the past year, and the diligence, with which he has performed the duties entrusted to him, is considered by the Judge to entitle him to commendation: decisions were passed by him after trial on 302 regular suits, of which 166 were original and 136 Appeals, and in the miscellaneous department, 365 cases were investigated and determined, under headings 1 to 14 of the Statement No. 2, a considerable reduction of the pending arrear having been effected in both branches of work: of 246 applications for execution of Decree, included in the latter item, 85 were struck off after full, and 161 after partial, settlement of the adjudged claim. That the quantity of business, dispatched, exceeds what was accomplished in 1844, may be ascribed, without detracting from the

credit due to Vilayat Alee Khan, to his uninterrupted incumbency during the past year, and to the relief, afforded by the appointment of a Sudder Ameen, to whom all suits, legally cognizable by him, and all miscellaneous cases, properly transferrible to his Court, were immediately made over. Early in the year under notice it fell to the Judge of this Court, on whom the duty of examining the periodical returns devolved, to animadvert with some severity on the proceedings of this Officer, as exhibiting much culpable remissness, and not a little disregard of the established practice of the Courts, and there is ground to believe, that the remarks, then communicated, have not been without their effect, for latterly the delays and irregularities, which then attracted notice, have not been apparent, and the satisfactory state of the Principal Sudder Ameen's files seems to warrant the presumption, that care has been taken to avoid them. Mr. Tierney, in commenting on the qualifications of this Officer, admits, that the reversal of his order in 15 out of 28 cases, that were carried up in Appeal, cannot be deemed favorable, but states at the same time, that his proceedings shew no want either of care or patience, and that the fewness of Appeals preferred, as compared with the number of his decisions, taken together with the facility for appealing given by the immediate proximity of the appellate Court, should be received as proof of the satisfaction, which his judgments afford "to a large portion of litigants in his Court:" the Court cannot altogether subscribe to this opinion, seeing that of the 166 original suits (and these only are appealable to the Judge) decided on trial, 42 were tried exparte, and 46 were decreed on confession of judgment, and that, if these be deducted as rarely furnishing sufficient ground for Appeal, 78 orders, passed in contested suits, will remain: the number of Appeals, instituted within the year was 46, and yields a proportion of more than 58 per cent; of those tried, the issue has been above described, and the inferences deducible therefrom can hardly be thought subject to qualification by reference to the proportion of Appeals, preferred, to the number of judgments pronounced. The Principal Sudder Ameen performed no Magisterial duty.

25. Of 3 Special Appeals, heard by the Sudder Dewanny Adawlut from the Judge's Court, two ended in the reversal of Mr. Tierney's order, and the other in the case being remanded, while out of 4 decisions, passed by the Principal Sudder Ameen, Vilayat Alee Khan, which were revised by the Court in regular Appeal, 2 were confirmed, 1 was reversed and the fourth case was adjusted.

26. In pursuance of his appointment* as Sudder Ameen, Mahomed Qasim joined this District on the 20th August, and continued to act in that capacity until the close of the year, with the interruption only of the usual adjournment of the Civil Courts during the Dusserah vacation. He decided on trial 66 regular suits, dismissing 7 on default, and allowing 9 others to be adjusted or withdrawn, and left 61 undisposed of at the close of the year, while in the miscellaneous branch of work he passed orders on the merits of 143 cases, inclusive of 52 applications for execution of decree, which were struck off after full or partial enforcement. The employment of this Officer in the Allygurh District has certainly been useful in relieving the Principal Sudder Ameen's regular and miscellaneous files, and enabling him to give his aid in the trial of Appeals, but whether or not it will be necessary to maintain this office, when the pressure of work in the superior local Courts shall have been in part removed by the transfer of the Ryah and Juleysur Moonsiffees to the jurisdiction of the Agra Court, cannot be with any approach to certainty stated, until that measure shall have been carried into execution; the circumstances, which have hitherto prevented this are already before the Government in the Report for 1844, and are only adverted to in this place, with the view of reporting, that the obstacle no longer exists, and that the best mode of effecting the proposed transfer is now (20th May) under consideration. The Judge argues that,

* v. Your letter No. 2731, dated 28th June 1845.
My Reply No. 1203, dated 8th July.
Your letter No. 3169, dated 25th idem.

as no appeals were* brought within the year under review to obtain reversal of the Sudder Ameen's decisions, "the fairness and correctness of his judgments" must be presumed, but surely this conclusion is rather premature, seeing that the Courts were open for about 3½ months only, subsequent to Mahomed Qasim's appointment, and that of the 66 cases, nominally determined on trial, 17 were tried exparte, and 18 were decreed on confession of judgment, thus leaving no more than 31 decisions, passed in contested suits, and therefore likely to be called in question in the Appellate Court. Mr. Tierney, however, is enabled, by an examination of such Appeals as have come before him since the beginning of the present year, to express a good opinion of the Sudder Ameen's judgment, and to certify, that the cases, submitted to his adjudication, are patiently investigated.

27. During the period under report the seven Moonsiff's Courts, subordinate to this Judgeship, were in active operation, and the details, exhibited on the Tabular Statements, bear ample testimony to their industry: the large increase in the quantity of business instituted, called for, and received increased exertion, 3097 regular suits having been decided on trial, as compared with 2409 in 1844, and the amount of pending arrear having been reduced from 809 at the beginning, to 683 at the close of 1845; as noticed in the last report, the proportion of cases decided exparte * and on confession of judgment † is large, but the Judge repeats his assurance, that in the former no legal requirement is unobserved, and in the latter no means of preventing fraud is neglected, adding, that the only instance of collusion, detected during the year, was made the subject of a criminal prosecution in the Magistrate's Court. The diligence of Mooftee Inayut Ahmed, the circumstances of whose appointment are mentioned in the 31st paragraph of the Court's report for 1844, seem to call for special notice; he finally disposed of 1390 regular suits by passing decision, after trial, on 876, by the dismissal of 48 on default, and by the amicable adjustment or withdrawal of 466, while in the misellaneous department his activity is equally remarkable, effect, either full or partial, having been given to 403, out of 1628 decrees, of which execution was sued out in all the seven Courts under notice; on this account, as well as on the ground of the Mooftee's judicial capacity, Mr. Tierney recommends his advancement to the higher grade of Moonsiffs, and the Court will be prepared, on opportunity offering, to give a favorable consideration to his claims. Inclusive of the 1628 applications for enforcement of decrees, above mentioned, there were 2678 miscellaneous cases, disposed of by order on the merits in these Courts, and, while 1782 other Petitions, presented with the same object, were struck off owing to the failure of the Decree-holders to proceed in the matter, 1504, it should be observed, of the 3599 applications made within the year, were re-admitted cases, a fact, which proves that the system pursued, while it keeps the files unencumbered, presents no bar to parties, desirous of procuring an adjustment of their rightful claims.

* 710
† 1537
2247

28. Following the plan adopted in the report for 1844, the Court desire me to exhibit in the margin the result of appeals from the decisions of incumbent Moonsiffs, and so to arrange the details as to shew the proportion of each individual's decisions confirmed and reversed, without

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Moobaruzooddeen, Moonsiff of Khyr,	23	6	17	73·91
Goolam Ghose, Moonsiff of Kasgunge, late of Hatrass,	60	35	25	41·66
Aleerooza, Moonsiff of Hatrass, late of Ryah,	42	26	16	38·09
Zeeaooddeen, Moonsiff of Atrowlee,	28	14	14	50·00
Mooftee Inayut Ahmed, Moonsiff of Coel,	85	48	37	43·52
Subbeeooddeen, Moonsiff of Juleisur,	6	3	3	50·00
Maheeooddeen, Moonsiff of Ryah,	29	15	14	48·27
	273	147	126	46·15
By Judge,	145	77	68	47·58
By Principal Sudder Ameen,	128	70	58	45·31

* Note.—This does not tally with the Tabular statements, which shew that 11 appeals were admitted; it is presumed that they were from orders passed by the Principal Sudder Ameen in the inferior capacity of Sudder Ameen.

reference to jurisdiction. The issue, as a whole, is certainly unfavorable, and the Court cannot attach much weight to the argument on the other side, which the Judge endeavours to found on the comparative fewness of Appeals preferred, as evidencing the satisfaction of the people with the decisions of the Moonsiffs, for his calculations are based on the aggregate number of "decisions on trial," and not, as they should be, on the number of judgments passed in *contested* suits, excluding those tried exparte and on confession of judgment; it is right, however, to mention in regard to Inayet Ahmed that 12 of the 37 orders, reversed, were so dealt with on account of informality only, and that out of 17 decisions, pronounced by Mobaruzoodeen, which were upset in Appeal, 10 were founded on the same cause of action, and should therefore be computed as one, in the light in which we are now regarding them, while in 3 other cases his judgment was over-ruled owing to informality in the reception and record of evidence: the opinion, derivable from the large proportion of reversals in the case of other Moonsiffs is similarly liable to some qualification, but not in such degree as to merit particular notice. Of the two officers Moheeooddeen and Subbeeooddeen, who at the date of the last report were very young in judicial service, Mr. Tierney seems to think favorably, ascribing their errors rather to inexperience, than to any want of proper research, and deliberation. On the whole, it seems to the Court that the inferior judicial agency of this district is efficient, whether its numerical strength or the qualifications of its members be considered, and the Court have a confident hope, that they will need no other encouragement, than a proper regard to their own character and their future prospects provide, to persevere in the course of honest industry, which has called forth this expression of the Court's approbation.

29. The revenue, realized by the sale of Stamps filed in the Moonsiff's Courts of this District, exceeds the expense incurred by Government in maintaining them, by rupees 3512-14-0, which in the opinion of Mr. Tierney, as of every other Judge, who has adverted to the subject, should be applied to the provision of a larger and a better paid ministerial establishment in those Courts; Mr. Tierney states, that the labor falling on the Mohurrirs of these Officers is so great, "as to induce the Moonsiffs not infrequently to employ writers, enrolled as Peons," and that "the Moonsiff of Coel is obliged to entertain out of his own pay one additional Mohurrir," and he adds "it is not improbable that the exertions of Moonsiffs may be somewhat checked by the inability of the establishment to carry through the work, which might otherwise be done;" the Court are quite satisfied, that these representations are not exaggerated, and that these shifts, unauthorized though they be, are not peculiar to Allygurh, being, more or less, resorted to in almost every District of the North Western Provinces: the Court have again and again remonstrated, but they consider it their duty to importune Government without ceasing until this great reproach shall be removed: the evil is too self-evident to require any argument to prove either its existence or its influence. The usual Statement follows.

Moonsiffee.	*Cost of Establishment.*				*Amount realized by Sale of Stamps.*		
Khyr, ...	2280	0	0	.....	2300	10	0
Hatras, ...	2280	0	0	.....	2637	0	0
Kasgunje, ...	1680	0	0	.....	2281	0	0
Atrowlee	1680	0	0	.....	1351	10	0
Coel, ...	1680	0	0	.....	3569	4	0
Juleysur	1670	0	0	.....	1772	10	0
Ryah	1680	0	0	.....	2550	12	0
	12950	0	0		16462	14	0

A reference to the 26th paragraph of the Judge's letter will serve to shew, that the arrangement of the records has been sufficiently attended to, and that by destroying old and useless papers, every necessary preparation has been made for the immediate occupation of the new building, which is now in course of erection, and will, it is expected, be shortly brought to completion.

30. The Court cannot close this section of the report without adverting to Mr. Tierney's opinion of the benefits, flowing from the operation of Act V. of 1840; the superior efficacy of the declaration, which it prescribes, in eliciting truthful testimony, is said to be undeniable, and it is added that its effect in course of time must be to impress on the native mind a proper sense of the majesty of the Deity, and of the solemn obligation to depose truly, which the declaration in question imposes; but Mr. Tierney adduces neither argument nor fact in support of this theory: the Court do not desire to discuss, whether his preference for the formula, enjoined by the Act, over the former, and (let it be admitted) superstitious observance of swearing witnesses on the Koran and Ganges water according to their religious belief, be reasonable and well founded or not, but they find the testimony of most of the Zillah Judges opposed to the enactment mentioned, and they have data to prove, that under its operation perjury and mendacity have become more prevalent; the question is touched upon at some length in a succeeding part (*v.* paragraph 48) of this report and to that the Court beg leave to refer. The drift of Mr. Tierney's 29th paragraph is not very clear: if the plaintiff's claim be "admitted to be just and well founded" and if the defendant fail to "refute or disprove" it, it is hard to understand how it can be "dismissed owing to insufficiency of proof:" Mr. Tierney has been informed, with reference to his concluding remarks, that the Court have on more* than one occasion advocated the assimilation of procedure in all the Civil Courts, pointing out the obvious advantages of such a measure, and have still some hope, that their recommendation will not be altogether disregarded by the Legislature.

* *v.* paragraph, ... 74 Report for 1841.
v. paragrph, ... 103 Report for 1844.

MORADABAD.

31. Notwithstanding the observations recorded in the 36th paragraph of the Court's Report for 1844, Mr. Macsween, the Judge of Moradabad, has, in submitting the prescribed statements for the past year, altogether overlooked the obligation, which rests upon him, of reporting on the result of the year's operations, the merits and qualifications of his subordinates, and other points of information, without which the Court are utterly unable to judge, whether the administration has been creditably and efficiently conducted or not; from Mr. Macsween's letter dated 31st March, which accompanies this report in original, it is inferred that he regarded his prospective absence on sick certificate from the 1st May, as a sufficient excuse for the failure above noticed, but it is not so considered by the Court, who must be permitted to observe, that if Mr. Macsween were equal to the supervision of the subordinate Judicial tribunals in the District committed to his charge, until the 1st May, the period fixed for his departure, he could not but have been equally capable of reporting at length on matters, which passed under his own observation during a preceding period. It becomes the duty of the Court, on whom the responsibility of securing to the best of their ability, the efficiency of the Civil administration in these Provinces devolves, to state that the enquiries, which they have from time to time found it necessary to make in reviewing the periodical statements, have remained for long periods unanswered, that repeated calls for the information required have been inadvertently overlooked,

JUDGE.	
Headings, Nos. 1 to 14	221
,, ,, 15 to 17	4585
	4806
PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14	282
,, ,, 15 to 17	843
	1125

or intentionally disregarded, that instructions addressed to Mr. Macsween have not met with the prompt attention, which it became him to accord, and that, unless there be some guarantee, on Mr. Macsween's part, for a more energetic and heedful exercise of the controlling authority committed to him, the Court cannot undertake to be responsible for the prevention of irregularity, delay and abuse in the administration of Civil Justice, or for the proper supervision of the Judicial Agency in this extensive District. The Court proceed, with the aid of the Tabular Statements, to lay before the Government a brief report, regarding the business dispatched in the several tribunals, together with such comments as a consideration of the details, exhibited in those returns, may suggest. When 1844 closed, the arrear of regular suits, on the general file was larger by 372 than at its commencement, and, during the year under review, owing to the institution of 249 more cases, the number before the Courts for disposal exceeded that, which the statements for the preceding year represented, by 621 suits; the increased pressure of business would seem to have been energetically met by corresponding exertion on the part of the Uncovenanted Judicial Officers, seeing that the decisions on trial and otherwise were more numerous than in 1844, by 478, in the proportion of 256 to the former and 222 to the latter category, and when 1845 terminated, the arrear exceeded that of the preceding year by no more than 143 cases. There is also room for congratulation in the character and condition of the depending arrear, which, comprising as it did 2505 suits, exhibited but 2, of longer standing than a year, of which one was pending in the Suheswan Moonsiffee and the other an Appeal, appertained to the Judge's Court—in regard to the former, it must be remarked, that great and unaccountable delay was permitted to occur in its early stages, and that, in the absence of detailed and sufficient explanation, the Moonsiff was deemed deserving of censure, and that the reason, assigned by Mr. Macsween for the protraction of the latter, the implication, namely, of some of his ministerial establishment in a criminal prosecution, might with equal validity have been urged in explanation of the total suspension of business in the Judge's Court; in the miscellaneous department but two cases, instituted on dates prior to the commencement of 1845, awaited decision at its close, and these were pending on the file of the Judge, whose remarks, intended to account for their prolonged dependence, were thought to shew clearly, that much time had been suffered to elapse in inactivity, the cases in question having been postponed from time to time without any adequate reason, and ultimately stayed in their progress, because one of the Vukeels engaged had been apprehended on a criminal charge under the Magistrate's investigation—it is difficult to understand how so simple and obvious an alternative, as that of calling on the appellant to appoint another Vukeel to represent his interests, should have escaped the Judge's observation. If the result of the past year's operations be deemed satisfactory, the credit thereof is due to the zealous and conscientious diligence of the subordinate agency, and not to Mr. Macsween's supervision, which the Court cannot consider to be deserving of commendation.

32. Mr. Macsween's personal assiduity, the Court regret to observe, merits laudatory notice, as little as does the manner, in which he has exercised his controlling authority, his performances having been restricted to the determination on trial of 35 Appeals out of 563, that were instituted in his Court during the past year, and the disposal, by orders on the merits, of 157 miscellaneous cases under headings 1 to 14 of Statement No. 2, the remaining headings of which represent 4581 orders to have been passed on the matters, classified thereunder, and consisting principally of reports, and proceedings from other Officers, and motions of course, which call for neither time nor judgment in their disposal; when it is considered that 151 days were nominally devoted to the duties of the Civil Court, that, of the 35 Appeals above mentioned, 26 were determined without summoning the respondent, on a simple perusal of the petition of Appeal, and the record of the Lower Court, and that the arrear on the Judge's miscellaneous file, which comprised at the commencement of the year no more than 35 cases of every description, had increased by its close to 206 cases, it will be admitted that the Court do not without reason complain of Mr. Macsween's

insufficient industry; as separate correspondence has passed with Government on this subject no further allusion to it in this place seems to be necessary.

33. Under the orders of Government marginally cited in the 38th paragraph of the Court's last report, the arrangement, by which Moulvee Mahomed Kurreem Ollah was appointed to officiate for Syud Tussuddook Hosein Khan, the incumbent of the Principal Sudder Ameen's office at Moradabad, continued in force until the 7th August, when the leave obtained by the latter expired; it was subsequently* extended for a period of 2 months, but Tussuddook Hossein Khan, owing to certified indisposition failed to rejoin his appointment within the period assigned, and thereby subjected himself, under the literal terms of the Government order, to forfeiture of his appointment, but the infliction of this heavy penalty was foregone, in consideration of the valid reasons urged by the Principal Sudder Ameen for his default, and he was permitted to resume his functions on the 22d December, agreeably to the instructions, conveyed in your letter No. 5139 dated 9th idem. It may be said therefore, with but little qualification, that Moulvee Mahomed Kurreemoollah presided in the Principal Sudder Ameen's Court throughout the year under notice, and that he is entitled to credit for his active and efficient aid in the adjudication of Appeals, is shewn by the satisfactory condition of the files at its close. The business, dispatched in this tribunal, comprehended the decision on trial of 716 regular suits, of which 63 only were original, and 653 Appeals, and the determination, after investigation of the merits, of 217 applications and petitions, referrible to the first 14 headings of the No. 2 Statement, various other matters having been disposed of under the remaining sections of the same statement: this work is distributed in the marginal memorandum† according to the share taken by each of the functionaries named in its disposal, and yielding, as it does in the regular department, a monthly average of 59 decisions, leaves no room to question the assiduity and attention of Kurreemoollah Khan to the duties of his station, the less so, when it is noted, that he was for the period of one month in charge of the Judge's office, and that, when 1845 ended, no more than 51 regular and 49 miscellaneous cases of every kind remained for future disposal on the files of this Court. The Court confess their inability to deduce from the returns before them any opinion respecting the manner, in which Moulvee Mahomed Kurreemoollah's judicial functions were discharged, seeing that of 19 Appeals preferred during 1845 from his decisions, none were brought to a hearing before its termination, and that Mr. Macsween's report contains no remark as to his character or judicial qualifications, but they are somewhat apprehensive, with advertence to the unusually high average number of monthly decisions, that deliberation may possibly have been in some measure sacrified to an unwise, though laudable, desire to exhibit unencumbered files. Sixty-two decreed claims were fully enforced, and 25 others partially settled, 62 other applications having been struck off without any portion of the Decree being carried into execution.

* *v.* My letter No. 1285, dated 28th July 1845.
Your reply No. 3541, datd 19th August.

† Moulvee Mahomed Kurreemoollah Officiating Principal Sudder Ameen,.... ....
Syud Tusuddook Hosein Khan, ...

	Regular.	Miscellaneous. Headings, 1 to 14.	Miscellaneous. Headings, 15 16 17.
Moulvee Mahomed Kurreemoollah Officiating Principal Sudder Ameen,....	707	201	831
Syud Tusuddook Hosein Khan, ...	9	16	12
	716	217	843

34. Of two cases, heard in Special Appeal by the Sudder Dewanny Adawlut from the Judge's Court, Mr. Macsween's order was in one upheld, and the other was sent back by remand, while of 3 Special Appeals from the decisions of Moulvee Mahomed Kurremoollah, one terminated in the affirmation of his judgment, and 2 in its reversal.

35. In the Sudder Ameen's Courts, located at Moradabad, and Bijnore, and presided over, the former by Moulvee Mahomed Hussun, and the latter by Mahomed Suleem the late Moonsiff of Azimgurh, who was promoted* to this office towards the end of 1844, 499 regular suits were disposed of, 302 by decision on trial, and the remainder by adjustment, withdrawal, or being struck off from the file on default of the plaintiff, and in the miscellaneous branch of business, 591 cases were investigated and determined, 193 decrees completely and 84 partially executed being included in the latter item: the proportion, dispatched by each of these functionaries, is expressed in the marginal note,† which calls for no other remark, than that the limitation of Mahomed Suleem's performances to the trial and decision of 23 regular suits, and correspondingly small amount of miscellaneous business, is ascribable only to the limited institution of suits in his Court, appertaining to the peculiar jurisdiction of a Sudder Ameen, his services having been principally availed of at Bijnore in the capacity of Moonsiff, and in aiding the Magisterial authorities to the extent of his competency in that department. The Moradabad Sudder Ameen's regular file represents a considerable accession of arrear, as compared with that depending at the end of 1844, and the failure of that functionary to attain to the prescribed minimum of monthly decisions may not have been absolutely unavoidable, but the Court cannot permit this isolated fact to weigh against the character for attention and diligence, which Mahomed Hossein has acquired during the period of his past service, inclining rather to the belief, that the state of business in his Court may have been opposed to the exhibition of more considerable results. The judgment of this officer is favorably represented by the confirmation of his order in 45 out of 64 cases, that were subjected to revision in Appeal, and the same result attended the adjudication of 3 Appeals from the decisions of Mahomed Suleem, but this, at all times a questionable criterion of judicial capacity, is deprived of half its value by the fact that these Appeals were exclusively tried by the Principal Sudder Ameen, of whose ability and intelligence the Court can know but little, and that the Judge, having taken no part in revising the proceedings of these Officers, is of course unable to form any estimate of their character and attainments. Mahomed Suleem, as the Government are aware, enjoyed a high reputation as Moonsiff of Azimgurh, and will, it is hoped, succeed in maintaining it unblemished, as Sudder Ameen of Bijnore.

* V. My letter No. 1264, dated 16th July 1844.
Your reply No. 3002, dated 8th August 1844.

			Execution of Decree.	
	Regular.	*Miscellaneous.*	*Complete.*	*Partial.*
† Moulvee Mahomed Hossein, Sudder Ameen of Moradabad,..	279	457	169	80
Mahomed Suleem, Sudder Ameen of Bijnore, ...	23	134	24	4
	302	591	277	

36. Notwithstanding some changes of incumbency in the Moonsiffs' Courts, consequent on the promotion‡ of Mahomed Qasim, Moonsiff of Chandowsee to be Sudder Ameen of Allygurh, the retirement§ of Muddun Mohun, late Moonsiff of Suheswan on pensionary support, and the subsequent vacation of his office for a period of nearly 4 months, and other interruptions of a similar nature, which the Court think it needless to detail—notwithstanding these interruptions to the continuity of judicial labor, and notwithstanding, it may be added to their credit, the very lax supervision to which they were subjected, the 11 Moonsiffs, who compose the subordinate agency of this district, passed decisions after trial, on 4103 regular suits, at an yearly average of 373 to each Officer, and disposed, after investigation of the merits, of 2771 miscellaneous cases and

‡ *v.* Your letter No. 3169, dated 24th July 1845.
In reply to my address No. 1203, dated 8th idem.

§ *v.* My letter No. 34, dated 3d January 1845.
Your reply No. 254, dated 22nd idem.

petitions, inclusive of 1547 decrees completely executed, and 524 others partially enforced—results, which, surpassing, as they do, those accomplished in 1844, bear testimony to the diligence of the functionaries engaged, and shew that their exertions have increased with the increased pressure of business, and that, though the amount of arrear on the regular file exceeded by 155 cases that, which remained for future disposal at the beginning of the past year, no blame can attach to the Officers, whose proceedings have undergone review. It is proper to add, that of the 4103 regular suits, nominally brought to decision on trial, 2418, or more than half were adjudicated exparte (1306) or decreed on confession of judgment (1112), but this, so far from being a singular feature or peculiar to the returns from this District, is, as the Government are aware, distinctive of the litigation, of which the Courts in this country are the arena, and may therefore be suffered to pass without any attempt on the part of the Court to give to it an individual character, or to explain its cause. The Court are not in possession of any information, which reflects with discredit on the conduct, either collectively or individually, of the Moonsiffs, attached to this District, or tends to controvert the favourable impression, derivable from the details represented in the Tabular Returns, and they must, therefore, content themselves, the Judge, Mr. Macsween, being silent, with expressing their belief, that they have all applied themselves with commendable industry to the duties devolving upon them. Of their ability, legal knowledge and judgment the Court are for the like reason equally unable to form any satisfactory opinion, the appellate jurisdiction having been almost exclusively exercised by the Principal Sudder Ameen, who decided 653 out of 688 Appeals, that were adjudicated on trial before the close of the period under report: a note of the result, with which appeals from the decisions of the Moonsiffs, jointly, was attended, is entered in the margin* without other comment, than that the proportion of reversals, which it represents to have occurred, (41·72 per cent) is unusually high, and that Pundit Dyaram the late, and Mahomed Suleem, the present Moonsiff and Sudder Ameen of Bijnore, are the only two, who can claim exemption from the unfavorable opinion, which such a result, as that denoted in the margin, commonly induces—of the former's decisions, 11 out of 12, and of the latter's 6 out of 7 were affirmed in Appeal by the Principal Sudder Ameen, to whose revision they were subjected.

*

	Tried.	*Confirmed.*	*Reversed or Modified.*
By Judge, ...	27	26	1
By Principal Sudder Ameen,	565	319	246
	592	345	247

37. The adjustment of the Moonsiff's jurisdictions has been so recently the subject of correspondence with the Government, that it may be sufficient for all needful purposes to refer to the letters enumerated in the margin ;† the principal change, as it affects this District, is the transfer of the Islamnuggur and Saheswan Moonsiffees to the Bareilly Court, on the ground that the pergunnahs composing those divisions are attached in the Fiscal and Magisterial department to the District of Budaon, which has always formed a component part of the Bareilly jurisdiction, and it is hoped, that the result of the arrangement may be beneficial in reducing the strength of the subordinate agency, over which the Judge of Moradabad is expected to maintain an efficient supervision; it is true, that the establisments under the Bareilly Court are correspondingly enlarged, but two Judges are at present attached to that Court, and past experience shews, that, if the prompt and energetic administration of justice, Civil and Criminal, be a desirable object, the arrangement in question must before long become permanent. A comparative Statement of the cost of the inferior judicial establishments, and of the extent to which it is counterbalanced by the revenue, realized by the sale of stamps, is subjoined.

† My letter No. 361, dated 3d March 1846, with enclosures.
Your reply No. 1398, dated 2d April.
My letter No. 567, dated 14th idem.

Moonsiffee.	Cost of Establishment including Moonsiff's salary.				Amount realized by the sale of Stamps.		
Moonsiffee Environs of Moradabad,....	2280	0	0	.....	2372	0	0
City of Moradabad,....	1680	0	0	.....	2877	0	0
Ditto Sumbhul,.....	1680	0	0	.....	2980	2	0
Ditto Dhampore, ...	1680	0	0	.....	2869	8	0
Ditto Chundowsee, ...	1629	1	5	.....	2834	0	0
Ditto Umroha,.....	1680	0	0	.....	2192	0	0
Ditto Nugeenah, ...	2280	0	0	.....	3103	0	0
Ditto Saheswan, ...	1209	0	6	.....	1797	4	0
Ditto Islamnuggur, ...	1680	0	0	.....	2303	12	0
Ditto Bhojepore, ...	1680	0	0	.....	1614	12	0
	17478	1	11		24943	6	0

38. Mr. Macsween states that the records are in good order, but, that he has been unable to complete their adjustment owing to the delay, unavoidably incurred in the punching of stamped paper, filed with the several misls, agreeably to the directions, contained in the Circular Order of the Court, No. 981, dated 23rd May 1843; the propriety of these directions has been vindicated during the past year in this very district, where, it will be in the recollection of Government, the fraudulent abstraction of sundry pieces of stamped paper was detected, and led to the Criminal prosecution of the Serishtadar and some other Officers and retainers of the Judge's Court; there is reason to hope, that the successful prosecution of these parties, and the exemplary punishment, which they have been sentenced to undergo, may have a salutary effect on all, who have by their official position access to, and are entrusted with the custody of, the public records.

BAREILLY.

39. An increase in the amount of Civil business, brought before the several Courts of this district for adjudication, is again apparent, and, though less considerable than that, which occurred in 1844 and was commented on in the 4th paragraph of the Report for that year, it was sufficiently large to account, in conjunction with other interrupting causes, and circumstances to be subsequently noticed, for the accession observable to the amount of depending arrear at the close of 1845, as contrasted with its condition at a corresponding period of 1844. Inclusive of the cases remaining over from 1844, there were altogether 9580 regular suits before the Courts, (or 384 more than in 1844) of which 6880 were disposed of finally, either by a decision on trial, or by adjustment, withdrawal and default, and the general file, when the period under review ended, exhibited an arrear, consisting of 2700 cases,—exceeding that of 1844 by 661 cases; that the decisions on trial were less numerous by 602 is the less to be regretted, as the effect of this falling off is in some degree counterbalanced by a larger number of amicable adjustments &c., and admits also of satisfactory explanation by reference to the numerical inadequacy of the subordinate judicial agency, which has been recently acknowledged, to the changes of incumbency in the Judge's Office, to the occupation of Mr. H. H. Thomas, the Judge, in the conduct of "tedious enquiries concerning the misdeeds of a corrupt Moonsiff and a roguish Treasurer," to the almost total suspension of Civil business in

Judge.	
Headings, Nos. 1 to 14	324
" " 15 to 17	3789
	4113

Principal Sudder Ameen.	
Headings, Nos. 1 to 14	327
" " 15 to 17	1217
	1544

the Judge's Court for four months owing to circumstances, which will be shortly adverted to, and to the unavoidable vacation of two of the inferior tribunals for portions of the year under notice. Notwithstanding these difficulties, the operations of the several tribunals have been energetically conducted, and efficiently supervised, a large mass of business has been dispatched, and no want of expedition is apparent, seeing that, when the year came to a close, the arrear of longer standing than a twelvemonth comprised but 8 regular cases (3 original and 5 Appeals), and 5 applications for execution of Decree, of which 3 appertained to the Principal Sudder Ameen's file, and 2 to that of the Beesulpore Moonsiff; in regard to the former it must be remarked, that 2 of the Appeals were decided in February of the past year, and the protraction of the remaining three was occasioned by the absence of the original documents, which were ascertained to be in the office of the Sudder Dewanny Adawlut, and were essentially required for their adjudication, while of the 3 original suits, depending on the Principal Sudder Ameen's file for periods nominally in excess of a twelvemonth, two had been remanded for retrial on dates comparatively recent, and one had been transferred in August from the Court of the Moonsiff of the suburbs; neither in these nor in the miscellaneous cases did there appear ground for the imputation of needless delay to the Officers concerned, nor, it is believed, could their protraction have been avoided, consistently with a due regard to, and observance of, legal requirements. These results may, in the opinion of the Court, be pronounced creditable both to the exertions of the inferior judicial agency, on whom the greater portion of labor devolved, and to the ability of Mr. Thomas, by whom their official acts were superintended.

40. From the 1st January until the 19th March 1845, when Mr. Thomas received charge of this Judgeship, the several Officers, named in the margin,* presided in the Judge's Court for the periods specified, and on the latter date the arrangement, mentioned in the 45th paragraph of the Report for 1844, by which the Sessions and Criminal duties were delegated to Mr. Lean, in addition to his labors as Special Commissioner, and the Civil administration was reserved exclusively in the hands of Mr. Thomas, took effect, but no long time elapsed before Mr. Lean, finding himself unable, by reason of the pressure of Criminal work to proceed in the disposal of cases under Regulation III. of 1828 with the dispatch expected, was relieved, with the sanction of Government,† of a portion of the Sessions work by Mr. Thomas, who consented to the arrangement, under the impression, that he might still be able to devote a sufficient portion of time and attention to the important duties of his Civil charge: in this expectation, however, he was disappointed, and from the 1st July until the 1st November, when the Court assumed the responsibility of altering the distribution of work, the transaction of Civil business was virtually suspended, Mr. Thomas having leisure only to attend to mere miscellaneous matters. These circumstances will be sufficient, without other explanation, to exonerate the Judge from the charge of insufficient industry, and to account for the falling off apparent in the quantity of work dispatched, as contrasted with that accomplished in the year 1844—decisions were passed after trial on 116 regular cases by the several Officers above named, exercising exclusively appellate functions, and 287 petitions under the first 14 Headings of the Miscellaneous Statement were determined by orders on the merits, in addition to 3789 orders passed on the matters, represented in the three remaining Sections of the same Statement: this, which constitutes the whole amount of Civil business, finally disposed of on trial in the Judge's Court, occupied 146 days (108 having been devoted to the performance of Sessions and Criminal duties) and was shared in by the several Officers, who held the Judge's office during the past year, to the extent exhibited in the subjoined memorandum,

* Mr. J. Lean from 1st to 9th Jany.
Mr. C. W. Fagan from 10th to 13th January.
Mr. H. Pidcock from 14th ditto to 2d March.
Mr. J. Lean from 3d ditto to 18th March.

† *v.* Docket No. 2774, dated 31st May 1845.

	Regular Suits.	*Miscellaneous cases, Headings* 1 *to* 14.
Mr. Lean, Officiating Judge, ...	4	 0
Mr. H. Pidcock, ditto, ...	34	 17
Mr. C. W. Fagan, ditto, ...	0	 0
Mr. H. H. Thomas, ...	78	 270
	116	287

which calls for no other remark, than will suffice to deprecate the deduction, from the numerical insufficiency of the work which it presents, of inferences unfavorable to the official aptitude or diligence of the functionaries mentioned—on the contrary, it suggests the necessity of permanency being given to the arrangement, under which an additional Judge is located at Bareilly, and the expediency of rendering his auxiliary services efficient by assigning to him a sufficient allowance for the maintenance of his ministerial establishment; it was by the aid only of the Principal Sudder Ameen in the adjudication of Appeals (availed of to a much larger extent than usual) and by the relief, consequent on the restoration of all the Sessions and Criminal business to Mr. Lean in November, that Mr. Thomas was enabled to prevent the exhibition of considerable arrears both on the regular and the miscellaneous files of the Judge's Court, and there can be no question, that the adjustment of subordinate Civil Jurisdictions, which has been lately effected,* and which increases the number of inferior tribunals, (inclusive of the Courts of the Principal Sudder Ameen and Sudder Ameen of Bareilly) to 14, must have the effect of augmenting the income of business to such an extent, as to render it impossible for any individual Officer, however able, energetic and conscientious, to satisfy the demands upon his time and attention; as the creation of a third permanent Judgeship in the Rohilcund Division was alluded to in the 45th paragraph of the report for 1844, and as it has since formed the subject of correspondence† with the Government, there may be less reason to discuss the matter in this place, but the Court desire in the most public manner to repeat their conviction, that the Civil and Sessions duties of the three Districts, now composing the jurisdiction of the Bareilly Court, are too heavy to admit of their being performed by one Judge, that the experience of the past two years shews that there is but little likelihood of any decrease in the income of work, the less so now, that this jurisdiction has been extended, and that it is "unjust towards the community, as destructive of the efficiency of the administration, to impose upon a single individual the labor that has been, not without difficulty, sustained by two." The agency, permitted by Regulation VI. of 1832 was called into requisition in the trial of one Appeal only, and the Judge's report contains nothing to shew why the Law had not a more extended operation.

* *v.* My letter No. 361, dated 3rd March.
Your reply No. 1398 dated 2nd April.

† *v.* My letter No. 567, dated 14th April 1845.
Your reply No. 1843, dated 5th May.

41. Subsequently to the first two months of the period under report, during which Mr. Berkeley retained his appointment as Principal Sudder Ameen, the Office in question was administered by Mr. J. P. Ledlie, who was selected to fill it on the ground of his natural qualifications, and of his prolonged service in a department, which affords opportunities, not elsewhere available, of acquiring a familiarity with the judicial system, and of the principles, by which the proceedings of the local Courts should be governed. Of 252 regular suits (71 original and 181 Appeals) which were brought to decision on the merits, 71 were determined by Mr. Berkeley, and 181 by the present incumbent, who likewise investigated, and passed orders on 213 out of 267 miscellaneous cases, that were disposed of

within the year, under the first 14 Headings of Statement No. 2, the latter item comprising 73 petitions from Paupers under Regulation XXVIII. of 1814, the complete execution of 107 decrees, and the investigation of 61 Petitions of objections, preferred to orders passed in course of execution: when 1845 ended, the arrear on the regular file was more than double of that, depending at its commencement, but it will be sufficient, in explanation of this fact, to state, that more than two-thirds of the cases, composing it, were Appeals, nearly all of which were transferred to the Principal Sudder Ameen's Court for trial and decision on the 25th November, and could not have been prepared for adjudication within the five weeks, that remained. It is true, that the work dispatched falls short of that accomplished in 1844, but some consideration must be extended to one, who, after many years of labor in a ministerial capacity, entered at once upon the discharge of the highest judicial functions, and who, notwithstanding the novelty of his position, has acquired the favorable opinion of his superior, as being "an intelligent, correct and industrious Officer;" it should also be added, that Mr. Ledlie's Assistance* was put in requisition by the Magisterial Authorities somewhat more extensively, the Court thought, than was consistent with the interests of the Civil administration, and the Magistrate was accordingly advised, with advertence to the onerousness of the Principal Sudder Ameen's legitimate duties in the Civil department, to restrict his demands upon Mr. Ledlie's time and attention within narrow limits. The experience of the past year does not enable the Court to express any definite opinion regarding Mr. Ledlie's judicial ability, for few Appeals would seem to have been preferred, and only one, ending in the confirmation of his judgment, was determined, but they are, from his long connection with the Court, and their knowledge of his character, fully satisfied of his unimpeachable integrity, his industry, zeal and intelligence, and they feel persuaded, that he will not belie the Court's recommendation in his behalf.

* NOTE.—The degree, in which his services were availed of, cannot be ascertained in the absence of the Criminal Statements, which have not yet (11th May) been received.

42. All the Appeals, both regular and special, which were heard by the Sudder Dewanny Adawlut during the past year, having been preferred from decisions of Officers, no longer incumbent, it is thought unnecessary to describe the result, with which they were attended.

43. Of the two Officers, who were attached in the capacity of Sudder Ameen to this jurisdiction, one Khan Bahadoor Khan stationed at Bareilly, though much esteemed by the native community both on account of his personal qualities, and of his high descent, has never enjoyed a superior reputation as a public Officer, being deficient in judgment, and in those other attainments which contribute to produce judicial efficiency: nevertheless neither Khan Bahadoor Khan, nor Gholam Ghose Khan, who is located at Pillibheet, and is invested also with the powers of a Moonsiff, and holds the office of Deputy Magistrate, has failed in application, having decided on trial, the former 238, and the latter 299 regular suits, and having collectively investigated and determined 420 miscellaneous cases in the proportion of 242 to the former, and 178 to the latter functionary: their activity in that important branch of business, which relates to the execution of Decree, is favorably represented by the complete enforcement of 402 adjudicated claims, and their regularity in the preparation of all cases coming before them may be inferred from the fact of none, pending in their Courts, having been instituted prior to the commencement of the period under review; both these Officers performed Magisterial duties, but the extent, to which their time and attention may have been thus occupied, cannot be stated in the absence of the Criminal Statements, which have not yet (11th May) been received in this office. As might have been anticipated, the Appeals, instituted to obtain reversal of Khan Bahadoor Khan's orders, have been in proportion more

numerous, as the issue of those adjudicated has been decidedly more unfavorable, than is found to have been the case with Gholam Ghose Khan; of 50 cases, that were subjected to the Judge's and Principal Sudder Ameen's revision, the orders of the former were affirmed in 26 and reversed or modified in 24 instances, while 9 Appeals from the decisions of the latter, similarly adjudicated, resulted in the approval of his judgment in all but one case—as regards the proportion of Appeals instituted to decisions pronounced, it is to be observed, that though the judgments passed by these Officers in contested suits were nearly equal in number, the Appeals instituted within the year from the Court at Bareilly amounted to 75, and those from the Pillibheet Sudder Ameen's orders numbered 25 only, the excess of the former being perhaps in some measure attributable to the proximity of the local appellate tribunals, and to the encouragement and facility, which such proximity affords of calling in question the justice, propriety or legality of the proceedings of the Lower Courts. Mr. Thomas seems to concur generally in Mr. Lean's estimate of the qualifications of these Officers, merely observing in regard to Khan Bahadoor Khan, that, though his mental energies cannot be supposed to grow stronger with advancing years, the result of Appeals tried is somewhat more favorable than it was in 1844, and in regard to Gholam Ghose Khan, that "he possesses the confidence of his official superiors, and the natives hold him in esteem:" the Court are glad to remark, that Mr. Lean's strictures on the propensity of the latter to go beyond the record of the cases before him have not been without their effect.

44. Of 5661 regular suits, which were finally disposed of by the six Moonsiffs, employed in this extensive jurisdiction, only 1370 were actually contested by both parties, 534 having been struck off on default under Act XXIX. of 1841, 1802 adjusted or withdrawn, 1029 tried exparte, and 926 decreed on confession of judgment, facts, which in the judgment of Mr. Thomas, favor the presumption "that the majority of the claims were correct, and that the Plaintiffs, on resorting to Court, brought Defendants to terms without protracted litigation," although "a certain abatement" he observes, "must be made for frivolous and false claims, advanced *in terrorem vel per malitiam*, which the Plaintiffs on second thoughts judged it prudent to drop." It is difficult to assign any special reason for the increase of arrear, which is observable on the files of the Courts, unless it be the numerical inadequacy of the agency at work to the demands on the time and energies of its members, but it is certain that the diligence of these functionaries cannot be impugned, seeing that the aggregate of decisions on trial (3325) yields an average of 554 to each, that one and all exceeded the prescribed minimum of annual decisions, and that the Moonsiffs of Budaon and Shajehanpore not only exceeded it, but far surpassed the other Officers of the same grade, having determined on trial 719, and 825 regular suits respectively; it is therefore a source of much satisfaction, that the several arrangements, connected with the adjustment of Civil Jurisdictions, and designed to relieve the over-burthened files of the two latter tribunals, and to equalize the distribution of labor, have been completed, and are now in course of execution, for, as Mr. Thomas remarks, it is "impossible for one man, however great his abilities may be, to do full justice to such an onerous charge" as that of the Shajehanpore and Budaon Moonsiffees, and the Officers Abdool Ruhman, and Mahomed Abdoollah, who presided in them, appear to the Court to be deserving of special notice for the energy and official aptitude, which they have both exhibited. The performances of the Moonsiffs in the miscellaneous department include, among other matters of minor importance, the complete enforcement of 2023 decretal orders, (1339 more applications having been struck off by reason of the Decree-holders' default) and are considered by the Court creditable to their exertions; it may be noted, in regard to the large portion of futile applications, that "all the Moonsiffs were found to have been in the habit" of striking off their files unexecuted decrees, in which process had been temporarily stopped by the appellate Court, and that this practice has

	Tried.	Confirmed.	Reversed or Modified.	Percentage of reversals.
Amanut Hossein, Moonsiff of Bareilly,	48	33	15	31·25
Mahomed Hossein, Moonsiff of Suburbs,	39	33	6	15·38
Abdoor Ruhman, Moonsiff of Budaon,	36	27	9	25.00
Moulvee Abdoolah, Moonsiff of Shahjehanpore,	62	39	23	37·09
Sidgopal, Moonsiff of Beesulpore,	23	13	15	53·57
Mahomed Wuzeeroddeen, Moonsiff of Oojhanee,	7	6	1	14·28
	220	151	69	31·36
By Judge,	49	32	17	34·69
By Principal Sudder Ameen,	171	119	52	30.40

been, with the concurrence of the Court, prohibited, as favoring a fictitious representation of the condition of the miscellaneous files, and throwing upon a Decreeholder the *onus* of reviving a case, although its relinquishment, may not have been ascribable to his act or his default. The Tabular Statement, given in the margin, while it represents the judgment of the Moonsiffs, as a collective body, in a tolerably favorable light, may be useful in shewing, that the recent elevation * of Abdoor Ruhman to the Sudder Ameenship of Meerut, and the promotion† of Mahomed Hussun to the superior grade, were merited by these Officers respectively, as well on account of their superior qualifications, as of the excellent character, which they both deservedly bear, and that the result of Appeals reflects with discredit only upon Sidhgopal, the late Moonsiff of Beesulpore, who has been recently‡ deprived of his judicial office, on sufficient grounds, under the provisions of Section 26, Regulation V. of 1831; with the solitary exception of this individual, all the Moonsiffs receive from Mr. Thomas a character for assiduity, and conscientious zeal, the superiority over others in point of qualification being ascribed to Abdoor Ruhman, the late Moonsiff of Budaon, and the two Officers located at Bareilly; it is hoped, that the distinction conferred on Mahomed Hussun may stimulate his fellows to laudable exertion, in the same degree that the penalty, inflicted on Sidhgopal, may deter them from the commission of acts, which cannot but be prejudicial to their reputation, and a death-blow to their prospects of advancement in the public service.

* *v.* My letter No. 92, dated 24th January.
Your reply No. 546, dated 13th February last.

† *v.* My letter No. 322, dated 3rd March last.
Your reply No. 1182, dated 19th ditto.

‡ *v.* Government Gazette, dated 10th February 1846.

45. The charges, incurred by Government on account of the inferior judicial establishments in this district, are more than provided for by the income, proceeding from the sale of the stamped paper, required for legal purposes, and filed in the several tribunals, and the Court cannot help thinking that the surplus might very equitably be considered as a fund, applicable to the improvement of the ministerial agency, now attached to these Courts: that agency is now confessedly inefficient, the reproach, which the means resorted to by these officers of procuring a bare maintenance (which the wages of their labor do not supply) bring upon these tribunals is avowed, and the period has arrived, when a reasonable remuneration can no longer be witheld without grievous injustice to the parties themselves, and without the infliction of a much more serious and extensive injury on those, whose business brings them into the Courts of the country for redress of their real or supposed grievances; the usual Tabular Statement is subjoined;

Moonsiffee.	*Cost of Establishment with Moonsiff's salaries.*	*Amount realized by Sale of Stamps.*
Moonsiff of Bareilly,	2252 14 6	4242 6 0
Moonsiff of Environs,	1680 0 0	3004 0 0
Moonsiff of Beesulpore,	1414 3 10	3486 1 0
Moonsiff of Shajehanpore,	1680 0 0	6552 10 0
Moonsiff of Budaon,	2221 10 8	3789 14 0
Moonsiff of Oojhanee,	1680 0 0	3089 6 0
Sudder Ameen and Moonsiff of Pillibheet,	3960 0 0	2509 12 0
	14888 13 0	26674 1 0

46. Before closing this section of the Report, the Court think it due to Mr. Thomas to notice briefly a few matters of importance, which, anticipating his retirement from the service after a long course of judicial experience, he has judged it right to bring under the consideration of the Court. It seems to the Court, that two opinions cannot be entertained in regard to the inadequacy, with which the Moonsiffs are now salaried, and the evil effects, which this must produce in depressing the character and respectability of the office, which they fill, and excluding from it men, whose personal qualities and educational acquirements would do honor to it. Some check has certainly been imposed upon the admission of incompetent individuals by the requirement of a certain standard of qualification, and the subjection of candidates for the office to an examination, but the Court can hardly dissent from the opinion of Mr. Thomas, that individuals may succeed in passing through the prescribed ordeal, "whose previous habits and associations would naturally disqualify them for a post of credit and distinction," and that the first, as well as most obvious step is to increase the desirableness, and raise the character, of the office, and to invite men of a superior stamp to accept it, by raising the salary attached to it. On this head the Court would refer to the Appended (A) Extract from their letter No. 158, dated 15th January 1844, in which they took occasion to point out that the Moonsiffs, in whose Courts the great bulk of litigated property throughout the country comes under adjudication, actually receive a smaller salary than the Tehseeldars, whose duties consist in the collection of the assessed revenue, the acquisition of such local knowledge as may facilitate the discharge of those duties, and the primary investigation of claims for rent, subject to the decision of the Collector, and the ultimate issue of a regular suit in the Court, most probably, of the Moonsiff, whose Court is in juxta-position with the Tehseeldar's Cutcherree, and whose deliberate judgment may suffice to overrule the opinion, not only, of that Tehseeldar, but the more mature and the better considered opinion of his official superior. Is it not, the Court would ask, an anomaly that an Officer, empowered and required by the Law to exercise such authority, should (especially in this country where a certain degree of respectability and weight is in the native mind always attached to, and connected with, official emolument) receive a moiety or less than a moiety, of the salary, which a Tehseeldar may claim ? can the impression be otherwise than prejudicial to the character of that branch of the service, subject to the Court's controul ? can the result be other than to depress its efficiency and usefulness as a collective body, and to interfere materially with the ends of justice ? It is a fallacy to suppose, that the natives of this country will not make use of their official influence to further their own ends and interests, or that their moral feeling is sufficiently powerful to resist the temptations, which fall in their way, and to withhold them from the commission of acts, for which, however repugnant to the sense of honor entertained by Europeans generally, their conscience does not upbraid them, and the detection of which is more than improbable; it may be argued, that the augmentation of the salary, receivable by these Officers, will not improve their moral character, and this may be quite true, but it is not the less incumbent on the Government to proportion their pay in some measure to the importance of their duties, and to remove every tangible excuse for dishonesty and malversation. The Court may fail in their design of obtaining for the inferior judicial Officers, subordinate to their authority, the consideration, which their position, and the important trusts committed to them alike demand, but they will have the satisfaction of feeling, that they have discharged their duty in bringing prominently to the notice of Government the evil influences of the present ultra-economical system, and in this stage they are content to leave the question. In the observations, which the 15th paragraph of the Judge's report contains, and which would seem to be condemnatory of the present plan of giving to parties, who have passed the required examination, a preferential claim to employment in the judicial department, the Court cannot altogether coincide : they admit that the approved practice of "cramming" may be occasionally successful, and that the incapacity of the parties in question may only become manifest on their elevation to the judicial bench, but this the Court are disposed to regard rather as the exception than the general rule, for they have the testimony of the majority of the Zillah

Judges, in favor of the superior qualifications, possessed by the Moonsiffs of the new regime as compared with those which the Moonsiffs of the olden time exhibited, and they are reluctant to call in question the value of an institution, which, if it have failed altogether to exclude unworthy persons from the judicial branch of the service, has been the means at least of improving the legal knowledge, and increasing the efficiency of the present agency; Mr. Thomas' own estimate of the several Moonsiffs, subject to the jurisdiction of his Court, would seem to favor this conclusion, a conclusion, which the general character of the Moonsiffs, so far as it is known to the Court, is not of a nature to controvert. The Court, however, cannot help remarking, that the respectability of the judicial branch of the service might possibly be better secured, were the Judges more careful in ascertaining the character, connections and past conduct of those, who may apply for certificates to enable them to appear before the Divisional Committees of examination, and that, if persons of indifferent character do find entrance into the Judicial Department, the blame thereof must lie with the Judge, from whom they may receive the required certificate of respectability, and with whom the responsibility of its correctness must rest.

47. It is hoped that a remedy may be found for the evils, complained of in the 17th paragraph of the Judge's letter, in rules for the examination of all candidates for the office of Pleader in the several Courts of Civil Justice, which have been proposed and are now under the consideration of the Sudder Dewanny Adawlut in Calcutta; in the mean time the Court have reminded Mr. Thomas, that Vukeels, who "spin out their pleadings with tedious" and irrelevant "episodes," are liable under the Law to be fined, and that those "of bad reputation, who get up false claims and prepare both documents and witnesses in support of it," are subject under the same Law to peremptory dismissal; much of the opprobrium, heaped upon our Courts, is traceable to the incompetency and the infamous character of the bar, and much of it might be wiped out, were the endeavours of the Zillah Judges in that direction more constant and energetic.

48. The 18th paragraph of the Judge's Report touches upon a most important question, one vitally affecting the ends of justice, and the interests of the community at large, and therefore calling urgently for the patient consideration of Government and the Legislature. Mr. Thomas, returning to the duties of a Zillah Court after an interruption of 4 years, depicts in emphatic language the impression, produced on his mind by the unscrupulous mendacity of deponents in Court, and, naturally enough, ascribes it to the operation of Act V. of 1840. It will be in the recollection of the Hon'ble the Lieutenant Governor, that, in pursuance of the expressed desire of the Supreme Government, the local Officers were required to report on the working of that enactment, and to state how far the objects, contemplated thereby, had been attained; it is found, on reference to the returns then received, that the great bulk of the matter of an evidential nature, contained in them, was unfavorable more or less to the enactment referred to, that, while many Officers bore testimony to the attainment of one of its declared objects, in the removal of the ostensible objection, urged by the more respectable classes to their appearance in the Courts of Justice, they held that this object had been gained at the expense of truth, that is, of a chief and influential inducement to speak it, in respect of the uneducated and ignorant, who form the great mass of deponents in our Courts; scarcely a single Officer, consulted on the occasion referred to, spoke unqualifiedly in favor of the Law. The Court, in my predecessor's letter No. 1675, dated 10th September 1841, endeavored to lay before the Government a digest of the reports, received in answer to their Circular requisition, and resolved the objections, urged, into four general headings, comprehending briefly the following propositions; 1st, "that there was no necessity for the Act in reference to its proposed end of removing the obstruction to justice, arising from persons of the Hindoo and Mahomedan persuasion being compelled to swear by forms, repugnant to their feelings and consciences, because former Regulations provided for the exemption

of those, whom, according to the usages of the country, it would have been improper to subject to such compulsion, by simply subscribing a declaration or *halufnameh*," 2ndly, that, though repugnance to be sworn might be the ostensible reason of the unwillingness of certain persons to appear as deponents in our Courts, it is not the real one, which is connected with other and distinct considerations, notremoved or removable by the Act in question," 3rdly " that, though the repugnance of certain classes (or the ostensible pretext for it) to appear in Court had been lessened or overcome by dispensing with oaths, with other classes (a much more numerous body) the restraint, existing against mendacity and perjury, had been removed in the same ratio," and 4thly " that, as respects the last named classes, great obstacles were presented to the effective working of the Act, and the literal observance of its provisions, in some measure, prevented by the difficulty of making the form of declaration therein prescribed, either understood by rude and ignorant deponents, or repeated by them, on dictation, in any such way as to supply the superstitious reverence, formerly accorded to the visible symbol, by the more reasonable ideal solemnity of a direct adjuration of the deity." Although at the period referred to the Act had been in operation for a short space of time, a large body of trustworthy testimony was adduced in support of these several propositions; it was shewn, in respect of the two first points, that the permission to take evidence on "Halufnameh" had been generally availed of, and been found to provide amply for the prejudices of the natives, and that the disinclination of certain classes to appear in Court was attributable rather to the ideal consequence attached by them to a position, which, they supposed, set them above the summons of a Magistrate or other Officer, the privilege of not appearing in Cutcherree being considered the distinguishing line between the higher and the middle classes, while in regard to the third proposition, a large mass of evidence was adduced to prove, that the cause of truth had lost by the enactment, that "the wages of hired witnesses had sunk from the Rupee to the Anna," that, in short, truth and falsehood were more inextricably blended than ever, and that the ends of justice were entirely defeated by the operation of the Act. On the fourth point also there was but little difference of opinion; though the form of words was admitted to be awful and impressive, yet the repetition of the formula was declared to be, generally, the cause of merriment to a peasant, and it was stated by many Officers that it was painful to witness the unbecoming levity, with which the solemn declaration was repeated, notwithstanding frequent admonition to the parties, few of whom, it was feared, understood its purport, or doing so, admitted its sacred obligation. The Court, in submitting the reports of the District Officers to Government, refrained from expressing any conclusive opinion as to the expediency or otherwise of the entire or partial repeal of the Law in question, and recurrence to the old form of oath on the Koran and Ganges water, or how far the Act might be with advantage susceptible of so much modification, as should accord to all Courts the power to use their discretion in administering an oath or not, as they might deem proper, but subsequent experience has convinced the Court, that it has been productive of no good, possibly of much evil, and that it calls for the reconsideration of the Legislature. The Court, having their attention particularly directed to this subject by Mr. Thomas, have caused a comparative Statement to be compiled from the records of their office, exhibiting the commitments, convictions, acquittals and references in cases of perjury during 4 years antecedent, and 4 years subsequent, to the passing of the enactment under notice, and it appears that, from 1836 to 1839, both inclusive, the commitments in all the Districts of the North Western Provinces amount to 332, convictions were 191 in number, acquittals 81, references 34, and of the remaining 26 commitments the result cannot be ascertained without more research, than time has yet permitted: during the four years, extending from 1842 to 1845, 323 persons were convicted of perjury, 127 were acquitted, and the cases of 11 were referred to the Nizamut Adawlut, the total number of commitments having been 456, or 124 more than in the 4 years, antecedent to the operation of Act V. of 1840. These facts are of themselves sufficient to favor the presumption, that perjury has been fostered by the new Law, but when it is considered that a very large proportion of evidence is taken and recorded in the Native Courts, that the Officers, presiding

in those Courts, do not attach the same degree of moral turpitude to false swearing, that it conveys to an educated and well ordered mind, and are slow to appreciate the importance, and bear the opprobrium, of exposing it, and that consequently not two-thirds of the perjuries, actually committed, are made the ground of a Criminal prosecution, the comparative increase in the number of commitments for the offence in question carries with it irresistible proof of its greater prevalence, and justifies the Court in proposing a re-consideration of the Law's provisions: it seems clear from all the evidence available, that the formula, which the Act prescribes, does not bind the conscience, and any observance, that fails to procure this principal object of an oath, that fails to impose upon the deponent an obligation to depose truly, may as well be abandoned altogether. "The present apology for an oath" observes Mr. Thomas, is, to say the mildest of it, a failure, for three-fourths of the witnesses do not understand it, and so cannot feel its force, whilst those, who can comprehend its meaning, do not regard it as an oath, but treat it with contempt;" Mr. H. B. Harrington, when Officiating Judge of Jounpore, commenting on the operation of the Act, took occasion to lament the daily increase of perjury, and the Court are persuaded that, were the local Officers generally consulted, it would be found that the experience of the last 4 or 5 years has not altered the unfavorable opinion, formerly expressed, of the Law's provisions and effects.

49. On the subject of the 22nd paragraph of the Judge's report, the insufficiency, namely, of the remuneration received by the English Clerk of his office, some correspondence * has recently passed with the Government; the Court are persuaded that, were not the necessity urgent, Mr. Thomas would not advocate the increase of expenditure, which his proposal to raise the salary of his Clerk involves, but the Judge has been informed of the rule, established by Government, that no augmentation of the allowance for the maintenance of any one part of the Ministerial Establishment shall be permitted, unless a corresponding reduction can be effected in another, and of the inability of the Court under these circumstances to support his recommendation; nevertheless, the Court may be allowed to remark, that the tendency of recent Regulations and Rules is to throw work on the English department of the Judicial Officers, and that the time is not far distant, when, with reference to this radical change of system, and the exigencies of the public service, a revision of the Ministerial Establishments, attached to all these offices, will be imperatively needed.

* My letter No. 507, dated 6th April 1846. Your reply No. 1704, dated 27th Idem.

AGRA.

50. The Statements for the past year, which have been submitted with a brief report by Mr. Boldero, again exhibit a falling off in the income of business, as compared with 1844, fewer suits by 120 having been brought on the file, while the number before the Courts for disposal was smaller by 39 only, than in the year, preceeding that under notice; this decrease is attributed by Mr. Boldero, with what approach to correctness the Court cannot undertake to say, to "the fine harvests" of the past season, "which enabled many to liquidate debts, for which they would otherwise have been sued," but for the falling off of 130 in the number of disposals, and for an accession of 91 suits to the amount of arrear depending on the general file, the Judge has not endeavoured to account, save by reference to the diminished income of business, which is hardly a satisfactory solution, seeing that the suits before the Courts were but little less numerous during 1845, as above noticed, than in 1844; no changes of incumbency, or other interruptions to the continuity of judicial labor occurred, and it might therefore be presumed from the circumstances noticed, that the Officers concerned had failed in giving adequate attention to

JUDGE.		
Headings, Nos.	1 to 14, ..	239
,, ,,	15 to 17, ..	2538
		2777

PRINCIPAL SUDDER AMEEN.		
Headings, Nos.	1 to 14, ..	266
,, ,,	15 to 17, ..	722
		988

their public duties, but the aggregate arrear, consisting in all of 636 suits, was so inconsiderable, and at the same time of such recent institution, as to avert a conclusion, so unfavorable: in the regular department there were but three (3) cases, of longer standing than a twelve month, awaiting decision at the close of 1845, and these were all Appeals, remanded to the Judge's file for re-trial within the last 6 weeks of the year, while in the miscellaneous department the files, whether of the Judge's or of the inferior Courts, were altogether free from the encumbrance of old cases. These results are in the abstract satisfactory, that is, all that required to be done has been done, but it is obvious from the above review, that none of the tribunals of the Agra District—and least of all, those of the superior grade, are overburthened with work, and that there is but little room for the exhibition of more than ordinary industry; it may therefore be regarded as matter for congratulation, that the arrangements for the contemplated transfer of two Moonsiffees from the jurisdiction of the Allygurh Court are approaching completion, and will shortly be reported for the information and the sanction of Government.

51. Mr. Boldero, who held the office of Judge throughout the year under notice, held sittings on the Civil side for 122 days, and, in deciding on trial 127 regular suits (of which 2 were original and the remaining 125 Appeals) left but 34 cases on the regular file for future disposal, so that, the amount of work dispatched could not have been exceeded: in the miscellaneous department, likewise, the same result is apparent; 196 cases and petitions under the first 14 Headings of Statement No. 2, comprehending among others, the several matters specified in the margin,* were investigated and decided, and, when 1845 closed, there were but 22 cases of every description undetermined: although, therefore, Mr. Boldero was engaged for 106 days in Sessions and Criminal duties, and for 13 more either as Special Commissioner, or as a Member of the Committee for the examination of candidates for the office of Moonsiff, he had no occasion to require the Principal Sudder Ameen's assistance in the adjudication of Appeals, nor is there any probability, that, while the extent of the jurisdiction remains unaltered, the provisions of Section 16, Regulation V. of 1831 will be brought into operation. The agency, permitted by Regulation VI. of 1832, was not availed of, owing to the aversion of respectable natives, Mr. Boldero states, to undertake the duties of Jurors—"an aversion, caused by the dread of incurring the enmity of the parties," in opposition to whose interests they might express an opinion, as well as by the "fear of laying themselves open to the charge of being actuated by private feelings, or some baser motives;" it may be mentioned in connection with this subject, that in the course of the year an application, made by the Judge, for permission to indemnify parties, summoned to attend the Court in the capacity of Jurors or Assessors, for the expense imposed upon them in procuring means of conveyance, was rejected by the Court, who were not prepared, without the previous acquisition of more precise information on the subject, to propose to the Hon'ble the Lieutenant Governor, that the incurment of such a charge should be generally, or locally, permitted. The Principal Sudder Ameen's Court was administered vicariously during the period under review by Moulvee Mahomed Kureem Koole, who was selected to officiate for the permanent incumbent during his deputation to Moradabad, and is reported to have acquitted himself to the Judge's "entire satisfaction:" the decision on trial of 71 original suits, and the disposal, by an order on the merits, of 125 miscellaneous cases under Headings 1 to 14 of Statement No. 2, constituted, with a few orders under the remaining headings of the same Statement, all the business, that was dispatched in this Court, and could not have been surpassed in quantity, seeing that the regular file exhibited but 18, and the miscellaneous but 51 cases, awaiting future decision, and that none of these were of longer standing than a year—14 Appeals were tried by the Judge from the orders of Moulvee Mahomed Kureem Koolee, with a result, which reflects but little

* Certificates granted and orders passed under Act XX. of 1841, ...	45
Petitions for Summary Appeals under Regulation XXVI. of 1814 and Act XX. of 1838, ...	12
Petitions of Appeal under Regulation VII. of 1825, ..	67
Petitions of Miscellaneous and interlocutary Appeals, ..	5
Petitions for redemption of Mortgages under Regulation I. of 1798, and Regulation XVII. of 1806, ..	10

credit on the judgment of the latter, 8 having terminated in the confirmation of the original decision and 6 in its reversal, while two cases, that came up in regular Appeal to the Sudder Dewanny Adawlut, were both sent back by remand for re-investigation or re-trial. This Officer has, since the commencement of the present year, been transferred from his substantive appointment of Sudder Ameen at Meerut to the like office at Muttra, in succession to Bhowanee Pershaud, whose decease was reported to Government in my letter No. 94, dated 24th January last.

p. your letter No. 546, dated 13th February.

52. The Sudder Dewanny Adawlut heard 12 Appeals (1 regular and 11 special) from the orders of Mr. Boldero, his judgment being in two affirmed, in four reversed, and in one modified, and the remaining five cases being sent back by remand.

53. Of the manner, in which Pundit Bhowanee Pershaud, who was selected for the office of Sudder Ameen and Moonsiff of Muttra under the circumstances described in the 53rd paragraph of the Court's last report, Mr. Boldero has recorded no opinion, but there is the less reason to regret the omission, inasmuch as the functionary in question died, as above stated, about the beginning of this year, and the Court may be spared the needless trouble of passing judgment on his official character and conduct. In his capacity of Sudder Ameen, Pundit Bhowanee Pershaud passed decisions, after trial, in 15 regular suits, leaving 20 for future disposal, and determined, by orders on the merits, 197 miscellaneous cases, inclusive of 19 applications for execution of decree, struck off after full or partial enforcement of the claim, and at the end of the year only 37 cases on this file remained undisposed of. To this work the performances of this functionary as Moonsiff of Muttra must be superadded, and may be conveniently aggregated with those of other Moonsiffs in a succeeding part of this report, it being sufficient in the present place to add, that his services were availed of by the Magistrate of Muttra in the decision of 43 Criminal cases, and the conduct of the preliminary investigation in two others. Out of 11 Appeals, heard by the Judge before the close of the year, 6 terminated in the affirmation of the Sudder Ameen's judgment, and 5 in its reversal, a circumstance, from which without any elucidatory comment on the part of the trying Officer, Mr. Boldero, no conclusion in regard to the judicial capacity of Bhowanee Pershaud can be deduced—the less so, as orders, passed by him in the capacity of Moonsiff, were upheld in the large proportion of 20 out of 23 cases, that were subjected to the Judge's revision.

54. In the 5 Moonsiff's Courts, annexed to this Judgeship, which were in full operation during the past year without intermission, or any other interruptions than those, occasioned by the ordinary adjournments of the Civil Courts on account of the vacations, decisions after trial were passed on 1626* regular suits at an average of 325 to each Officer, and 3047 miscellaneous cases, comprising the complete enforcement of 728, and the partial execution of 262 decretal orders, were determined after investigation of the merits; as in 1844, so in the past year the proportion of regular suits adjusted or withdrawn or struck off on default, and of applications for execution of Decree, similarly struck off on failure of the Decree-holder to proceed with the execution, is unusally large, but the circumstances, in which these peculiarities originate in this District, having been explained in the 54th paragraph of the last report, do not need to be recapitulated in this place, it being believed, that they were on that occasion correctly represented, and that they have continued during the period now under notice to operate in the same manner and direction; it will be seen by the marginal note, that more than half of the regular suits, nominally decided on trial, were tried exparte, or decreed on confession of judgment, and could not therefore have called for

* Of which were decided,

exparte, ...	436
Ikbaldava, ...	486
	922

much time or deliberation in their disposal, while, as regards the miscellaneous department, it may be added, in illustration of what has been said above, that no less than 890 applications for execution of Decree were struck off without any portion of the Decree being carried out. The Court see reason to be satisfied with the diligence and attention of these functionaries, whose judicial ability, moreover, is very favorably represented by the marginal extract from the Statement of Appeals, adjudicated during the past year: the results, however, exhibited in this return must vary in different Districts, according to the varying ability, acquirements, and experience of the local Appellate Officers, and are found to present such remarkable diversity, that, the Court confess, they are reluctant to look upon them as a safe test of judicial efficiency: before the issue of Appeals tried can be fairly made the foundation of an opinion respecting the intelligence, and judgment of the Officers, whose proceedings are revised, the perfection of the Judge's qualifications for the position which he occupies, his ability to detect error, whenever it may occur, his intimate acquaintance with the Regulations of Government, and the established practice of the Courts, his aptitude for the careful sifting, and just appreciation of native evidence, and the confidence of the litigant community in his judgment, must be pre-supposed, and admitted; that these qualities will be found more frequently to characterize the European Judge, than the Uncovenanted Judicial Officers, must of course be presumed from the superior educational advantages, which the former have enjoyed, and their greater familiarity with the principles and spirit of Anglo-Indian Legislation, but still their liability to error cannot be doubted, nor can it be denied, that the measure of their judicial capacity varies almost as much as does their individual character; yet the same test is commonly applied to the proceedings of the Uncovenanted Judges, whatever may be the official aptitude and experience of the authority, to whose supervision they may have been subject; until, however, some more effectual means of estimating the merits and qualifications of the former can be devised, the proportion of Appeals instituted to decisions passed, and of orders confirmed to orders reversed, must continue in some measure to guide the Court in their judgment. The issue of Appeals tried is, it will be observed, unusually favorable, as compared with that obtained in many other Districts, the Moonsiffs of which are believed to be equally well qualified for the discharge of their duties: to Mr. Lyons the Moonsiff of Agra, the first place in order of eligibility for promotion is assigned, as an Officer, who "bears the highest character for integrity and impartiality among all classes of the community," and "possesses a more than ordinary knowledge of the Regulations," while, in regard to Ewuz Alee Khan, Moonsiff of Etmadpore, it is stated, that his decisions give general satisfaction, and that his claim is second only to that of Mr. Lyons the Moonsiff of Agra, the bar* to whose promotion, the Court desire me to add, has now been withdrawn. Since the termination of 1845, Syud Abas Alee, Moonsiff of Bah Pinahut, has been under suspension, pending the investigation of charges of bribery and corruption, preferred against him, and he has at the instance of the Judge been subjected to a Criminal prosecution, of which the issue has not yet been reported† and Syud Ahmed Khan has been removed to Delhie, owing to frequent indisposition, and the supposed uncongeniality of the climate at Futtehpore Seekree with his constitution; he is a respectable Officer, and merited the favorable consideration of the Court.

	Tried.	Confirmed.	Reversed or Modified.	Percentage on reversals.
Mr. J. P. Lyons, Moonsiff of Agra,	22	17	5	22 · 72
Syud A hmud Khan, Moonsiff of Futtehpore.	8	6	2	26 · 00
Syud Abas Alee, Moonsiff of Bah,	30	20	10	33 · 33
Ewuz Alee Khan, Moonsiff of Etmadpore,	17	15	2	11 · 76
	77	58	19	

* *v.* My letter No. 94, of the 24th January last.

† NOTE—Since these remarks were written, the Moonsiff has been acquitted by the Session Judge, to whose court he was committed, and permitted by the Court to return to his duty.

55. The subjoined table exhibits the charge, incurred by Government on account of the subordinate judicial establishment of this District, and the amount, realized by the sale of Stamped paper, required for purposes of litigation and filed in the several Courts; the excess of expenditure over the income, derived from this source, is inconsiderable, amounting only to Rupees 429.

Moonsiffee.	*Cost of establishment.*	*Net Revenue realized by sale of Stamps.*
Sudder Ameen and Moonsiff of Muttra, ...	3960 0 0	3346 0 0
Moonsiff of Agra, ...	2280 0 0	2222 0 0
Ditto of Futtehpore, ...	1680 0 0	1467 0 0
Ditto of Bah, ...	1680 0 0	1959 0 0
Ditto of Etmadpore, ...	1680 0 0	1857 0 0
	11280 0 0	10851 0 0

Mr. Boldero has inadvertently omitted to advert to the condition of the record department, in conformity with the requirements of the Court's Circular Order on that subject, but it is known that racks are in course of preparation, a specific sum having been sanctioned for that purpose by the orders of Government marginally* cited, and it is believed, that there is now no obstacle to the complete adjustment of the records, in the manner approved by the Court, a commodious depository having been provided by the erection of the new Court House, which was occupied by the Judge in October last.

* *v.* Your letter No. 1232, dated 24th March 1846.
In reply to my letter No. 366, dated 9th Idem.

56. It may be useful, with reference to the correspondence noted in the margin,† to state that the incompetency of the Civil Courts to annul, or in any way to interfere with the terms of, a farming lease, has been judicially determined by the Court in special appeal, on the ground that the lease is in the nature of a contract between the Government on the one part, and the farmer on the other, and that its conditions cannot be avoided without the consent of both contracting parties: the judgment of the Court is printed in Appendix (B.) to this report, as a guide to the subordinate judicial authorities, to whose adjudication the same question may probably be referred. There is no other incident, connected with the administration of Civil Justice in this district during the past year, worthy of particular notice.

† Your letter No. 5461, dated 31st December 1845.
My letter No. 222, dated 17th February 1846.

FURRUCKABAD.

57. A falling off in the number of suits, instituted in the Civil Courts of this District during the years 1843 and 1844, which was adverted to in the 57th and 58th paragraphs of the reports for those periods respectively, was followed during 1845 by a very considerable increase in the amount of business brought on the file of the several tribunals, all of which, in a greater or less degree, participated in it: to this fact must be ascribed the accession of 320 cases to the arrear on the general file, as contrasted with its condition at the close of 1844, for, though the diligence of all the judicial officers was zealously exerted and well directed, and though the decisions on trial and otherwise were more numerous by 642 than those pronounced in 1844, the additional number of suits before the Courts during

JUDGE.

Headings, Nos. 1 to 14	415
" " 15 to 17	6941
	7356

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14	651
" " 15 to 17	1036
	1687

the past year amounted to 962: it may be needless to enquire to what this large and sudden increase in the income of Civil business is attributable; suffice it to say, that the efforts of the agency employed have been successful in preventing any such accumulation of arrear as to justify apprehensions for the future efficiency of the administration, and in exhibiting files, free from the encumbrance of long standing cases: the oldest case in the Judge's Court, which remained undecided at the end of 1845, was instituted on the 3rd May, and the majority of the business, pending in the inferior Courts at the same period, was of recent institution, no case, either regular or miscellaneous, being of older date than the year, to which these remarks relate, a result, which may be pronounced satisfactory and creditable alike to the industry of the subordinate officers, and to the Judge, who states it to have been his practice, on observing cases of long standing, "to issue orders to the Lower Courts to take immediate steps to expedite their decision, or to explain the cause of delay." The Court desire to express their approbation of Mr. Tyler's successful endeavors to maintain unimpaired the efficiency, introduced by his predecessor in all branches of the Civil administration of this District.

58. Mr. W. H. Tyler received charge of this Judgeship on the 5th January 1845, and remained uninterruptedly in charge throughout the period under report, decided on trial 222 regular suits, all but one of which were Appeals, and passed orders on the merits of 715 miscellaneous cases, of which 217 appertained to the matters classified under the first 14 Headings of Statement No. 2, and comprised, among others, 34 petitions for Summary Appeal, 107 Petitions of Appeal under Regulation VII. of 1825, 22 petitions of miscellaneous and interlocutory Appeal, and a few applications from paupers; when the year ended, no more than 72 regular suits awaited disposal, and of these, as above noted, the oldest was brought on the file in May, while in the miscellaneous department no case had been pending more than 7 months. In the matter of expedition, therefore, it may be said there is little or no room for improvement, and it would be well if in all the tribunals, subject to the authority of the Court, the same activity were exhibited—171 days were employed in the Civil Court, and 79 days were devoted to Session and Criminal duties, which in the year 1844 occupied only 62 days; 44 cases were tried in accordance with the provisions of Regulation VI. of 1832, and the decisions passed were in all but 3 instances conformable to the opinion, delivered by the parties engaged, so that even in this District, where the Law in question has been more generally and extensively introduced than elsewhere, its operation is but very limited, and would seem, on comparison with the facts exhibited in past reports, to be on the decline. I am desired to add, with advertence to some remarks in the 59th paragraph of the Court's last report, that the forms of Registers, devised by Mr. Cartwright for the use of the subordinate Courts, were submitted by his successor during the past year, and were, after revision and the introduction of such modifications as appeared to the Court desirable, forwarded, with a paper of remarks and instructions, for the consideration of the Sudder Dewanny Adawlut, from whom hitherto (6th May 1846) no communication on the subject of them has been received:* it is hoped, that the Court may shortly be able to circulate these forms, for they will tend to abridge the labor, now devolving on the ministerial establishments of the Lower Courts, the numerical inadequacy, and insufficient remuneration of which are becoming daily more manifest. Of two cases, that came before the Sudder Dewanny Adawlut in Special Appeal from Mr. Tyler's decision, one was sent back by remand, and the other terminated in the dismissal of the Appeal.

* NOTE—Since these remarks were written the Calcutta Court have expressed their concurrence in the views entertained by this court and the C. O. has been issued.

59. In the Court's reports for the last two years the official merits and qualifications of Mr. Mercer, the Principal Sudder Ameen of this district, were unfavorably represented, reason being found for impugning the legality of his proceedings and the correctness of his judgment, and serious disorder in the internal economy of his office being detected, and a

hope was entertained and expressed that he might be able at no distant period to efface the impressions, that events then recent had created: it is, therefore, with much satisfaction, that the Court find themselves in a position to commend Mr. Mercer's personal assiduity, as exhibited in the returns under notice, and to report that, not only has the dilatory mode of procedure, formerly ascribed to him, been in a measure corrected, but that the irregularities, which were not infrequently observable in his miscellaneous proceedings, have ceased to appear, and that "his work in general is expeditiously dispatched." It is found, on reference to the Tabular returns, that Mr. Mercer decided on trial 242 regular cases, of which 217 were original suits, and 25 Appeals, and disposed, after investigation of the merits, of 473 miscellaneous cases and petitions under the fourteen important Headings of Statement No. 2, his activity in giving execution to the decretal orders of the Court being particularly remarkable; in both departments the business transacted largely exceeded that accomplished in 1844, when Mr. Mercer's performances were limited by the limitation of work instituted and referred to his Court, and the arrear, depending at the end of the year, has only not undergone reduction, because, in the regular department, the cases composing it were all of recent institution, none being of date anterior to 26th August 1845, and nearly a moiety of the whole number were Appeals, transferred to his Court for trial and decision towards the close of 1845; and because, in the miscellaneous department, the income of business so largely exceeded that of 1844, as to call for the exertion of much industry in its prompt and punctual disposal; it must also be borne in mind, that the services of Mr. Mercer are reported to have been largely availed of in the disposal of Criminal trials, falling within his competency, and made over to him by the Magisterial authorities for that purpose, although the exact degree, in which his aid was called into requisition, cannot be ascertained in the absence of the Criminal statements for the past year, which have not yet been received in this office. That Mr. Mercer has zealously endeavoured to redeem his official reputation from the discredit, to which his proceedings during 1843 and 1844 well nigh consigned it, may be further inferred from the better result, with which Appeals from his decisions have been attended, a result, betokening certainly more carefulness in the investigation, and the exercise of a sounder judgment in the decision, of the cases brought before him, his judgment having been affirmed in 41 out of 60 cases, that were subjected to the Judge's revision; neither was the issue of 3 regular appeals, brought before the Sudder Dewanny Adawlut, unfavorable, seeing that the only one, which went to decision, ended in the confirmation of the Principal Sudder Ameen's decision, and that of the other two, one was dismissed, and the second adjusted. How far the large proportion, borne by Appeals preferred to the number of decisions pronounced on contested suits, should interfere with the deduction of the above conclusions, must remain doubtful, reference being had to the 4th paragraph of the Judge's Report, in which that officer ascribes the circumstance "in some measure to the description of cases, received by Mr. Mercer from the Moonsiffs, who, when ordered to transfer a certain number of cases, took the opportunity of sending the suits of those parties, who were known to be of a litigious disposition;" Mr. Tyler has been informed, that, so far from allowing the Moonsiffs to use their own discretion in the selection of cases, ordered to be transferred to another jurisdiction, the Judge should specify by their numbers the suits, that are to be made over for trial to another officer, being guided in his choice by the principle of retaining old suits, ready or nearly ready for hearing and adjudication, on the file of the transferring Court, and making over those of recent institution to the other tribunal. On a review of Mr. Mercer's official conduct during the past year, and on consideration of the testimony borne to his assiduity, and the general correctness of his proceedings, the Court think it just to withdraw the bar, which has operated for some time past to prevent his elevation to the superior grade of Principal Sudder Ameens.

NOTE—Since these remarks were written the statements have been received and shew that Mr. Mercer, decided 111 Criminal trials, and disposed of 206 miscellaneous applications, petitions &c.

60. By the six Moonsiffs, attached to this jurisdiction, 2128 suits were brought to decision on trial, the prescribed minimum of annual decisions having been surpassed by all, except the Moonsiff of Kaemgunge, who nearly approximated to it, his failure being owing to no defect of industry, or to any other cause, than the paucity of suits originating within the limits of his division; and in the miscellaneous department, orders were passed on the merits of 5475 cases, inclusive of 601 applications for execution of Decree, which were struck off after complete enforcement, and 1117 others, disposed of by a partial settlement of the adjudicated claim. The number of regular suits, determined on the merits, is large, and yields the high annual average of 354 to each Officer, but it should be noted, that of these 348 were tried exparte, and 953 were decreed on confession of judgment, these two items constituting more than half of the aggregate; adverting to the desire of the Court, as expressed in the 62nd paragraph of the report for 1844, Mr. Tyler has endeavored to explain the cause of the large proportion of suits thus disposed of, and having examined the records in many of them, declares his inability to account for the frequency of Ikbal Dawas otherwise than by reference to the practice, prevalent among money lenders, generally, of resorting to the Civil Courts, as the most efficacious instrument for enforcing the liquidation of the debts due to them, their debtors being by this means compelled "either to settle the matter amicably, or to confess judgment," with the view of conciliating the person, from whom they have been in the habit of receiving accommodation, and securing a continuance of his good offices; in regard to exparte cases, the Judge has satisfied himself, that all legal precautions in the service of notice and proclamation on the parties sued, are strictly observed, and has stated, as evidence of the absence of fraud or collusion in cases decided on Ikbal Dawa, that not a single Appeal from orders, founded on such document, was preferred during the period under notice. The only decided exception to the generally satisfactory account given of those functionaries by Mr. Tyler, is in the case of Ghoolam Moheeooddeen, Moonsiff of Chubramow, who has in former reports been unfavorably noticed, and is said by the Judge to have become quite incapable of discharging the responsible duties of Moonsiff, either with credit to himself or advantage to others; it is, therefore, a subject of congratulation that the period of his service was such, as to give him a title under the rules to the benevolence of Government, and that, his character being sufficiently respectable, he was permitted on the 6th December to retire from the judicial department on a pension. Of the general intelligence, acquirements and official merits of the other Moonsiffs, a favorable impression is received from a reviewal of the past year's operations, whether the quantity of business, dispatched, or the quality of their decisions, as inferrible from the details exhibited in the Appeal Statement, be regarded. A reference to the memorandum, given in the margin,* will shew that, generally, a good judgment has been exercised by these functionaries in the decision of the cases coming before them, and that the judgment of Momin Alee, the 2nd Moonsiff of Furruckabad, of Hyder Alee, Doondwara, and of Gunput Rae, Kunouj, is particularly conspicuous; without entering into any irrelevant detail, it may be thought sufficient to add, in regard to these officers, that Momin Alee has been at his own request removed to Shajehanpore since the commencement of the present year, having maintained under the present Judge the very high character ascribed to him by his predecessor, that Hydur

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Akbar Alee, Moonsiff of Furruckabad, ...	50	34	16	32·00
Momin Alee, Ditto, ...	38	30	8	21·05
Hydur Alee, Moonsiff of Doondwara, ...	9	8	1	11·11
Kurm Alee, Moonsiff of Kaemgunge, ...	18	12	6	33·33
Ghoolam Mooheeooddeen, Moonsiff of Chubramow, .	31	21	10	32·25
Gunput Rae, Moonsiff of Kunouj, ...	40	34	6	15·00
	186	139	47	25·26
By Judge, ...	161	127	34	21·11
By Principal Sudder Ameen, ...	25	12	13	52·00

Alee Khan is considered worthy of promotion, both on account of his general respectability, and his judicial qualifications, and that the industry and ability of Gunput Rae are well thought of by his immediate superior, who commends his "judgments" as being "clear and good."

61. A statement, exhibiting the expense, incurred by Government in the maintenance of the Moonsiffs' Courts, and the amount realized by the sale of Stamps filed, is subjoined, and is satisfactory in shewing that the revenue, derived from that source, is more than sufficient to indemnify the Government for the outlay, which the judicial wants of the district necessitate.

Moonsiffee.	*Cost of Establishment.*			*Amount realized by Sale of Stamps.*		
1st Moonsiff of Furruckabad, ...	2280	0	0	....	2878	8	0
2nd Ditto of Furruckabad, ...	2280	0	0	....	3460	8	0
Ditto of Doondwara, ...	1680	0	0	....	1407	0	0
Ditto of Chubramow, ...	1610	0	0	....	2410	4	0
Ditto of Kaemgunje, ...	1680	0	0	....	1687	0	0
Ditto of Kunouj, ...	1680	0	0	...	2217	8	0
Rs.	11210	0	0	....	14060	12	0

The only obstacle, which was opposed to the revision of the subordinate jurisdictions, having been removed by the completion of that revision in the revenue department, as reported by the Sudder Board of Revenue under date the 16th July last, it is expected that the required report* on the subject will be shortly submitted, and that before another month shall have elapsed, the adjustment, which Mr. Tyler may think it desirable to recommend, will, provided that it be of a nature to fulfil the objects contemplated by Government, have been carried into execution. The condition of the record department, as reported on a former occasion, is unexceptionable, and a pledge is given that the efficiency, introduced by the late incumbent in this Judgeship, shall be maintained.

* Since received and submitted to Government.

62. I am directed, before closing this section of the report, to advert to the subject treated of in the 27th paragraph of the Judge's report, which is important, as affecting the executive efficiency of the Civil Courts, so important in the estimation of the Court, that a Circular Order has been issued regarding it. The matter relates to the difficulty, experienced by Decree-holders in obtaining possession of the property, judicially awarded to them, by reason of parties, on execution being sued out, coming forward, and asserting their own possession in opposition to that of the person, against whom judgment may have issued—and by reason also of the rule, laid down in Construction, No. 744, that the objector cannot be ousted, save by judgment pronounced in a regular suit. The Court are anxious in every legitimate manner to make it known, that the remedy for this evil is in the hands of those who are represented to suffer from its prevalence, that it is in the power of every suitor by timely application to the Court, in which his suit is pending, to prevent the fraudulent alienation of the defendant's property for the purpose of avoiding the execution of an eventual judgment, and that it must not be attributed as a fault to the Courts, or to the rules, by which their proceedings should be guided, if litigants suffer themselevs to be defrauded by neglecting to avail themselves of the protection, which the Law affords. Section 5, Regulation II. of 1806, empowers the Judge, whenever, "he may be satisfied by sufficient proof, "there is ground to apprehend the defendant means to dispose of the property in his posses- "sion by any private transfer &c. to call upon the defendant for Malzaminee security"

or "to cause the attachment of any land, effects, or other property, belonging to or possessed by defendant, the attachment of which may be deemed necessary to secure the execution of the judgment to be passed in the case," and it has been ruled by the Court on a former* occasion, that the purpose of a defendant in pursuing a certain line of conduct must be determined by the tendency and effect of that conduct, that, if a defendant be found to be making away with his property in either of the three ways, described in the regulation, and it be established, that the effect of this act will be to defeat the execution of an eventual judgment against him, such a fact would be a sufficient proof that such was the object and purpose of the defendant in pursuing that course, or, at any rate, it would furnish "ground to apprehend" that such was his purpose, which is all that the Law requires. It seems to the Court, that this enactment provides a sufficient protection to suitors against the fraudulent alienation of property during the dependance of a Civil action, and that it is not universally availed of must be ascribed to the ignorance and incapacity, generally, of Pleaders; opportunity has been taken to point out that the power of attaching the property of defendants has been extended to Moonsiffs by Section 3, Act VI. of 1843, and that the proper mode of making such attachments is described in paragraph 4 of Circular Order, Sudder Dewanny Adawlut No. 50, dated 17th Februray 1816, extended and made applicable by Construction No. 916, to cases of attachment under Section 5, Regulation II. of 1806.

* *v.* para: 85, Court's Printed Report for 1842.

63. The Court are satisfied with the management of this District during the past year.

MYNPOOREE.

64. The income of Civil business was considerably larger during the past year, than in that which preceded it, 424 more suits having been brought on the files of the several Courts, but the Officers engaged would seem to have applied themselves with becoming industry to their duties, and have succeeded, by finally disposing of 348 more suits than in 1844, in preventing the accumulation of a large arrear; the number of suits, which remained undecided at the end of 1845, was larger only by 62 than that, which composed the arrear on the regular file at the close of 1844, notwithstanding the largely increased income of business, above noticed. It should be added, in proof of the expedition, with which business is dispatched in the Courts of this District, that the arrear of longer standing than a twelvemonth comprised but one original suit, which had been remanded to the Principal Sudder Ameen's Court for re-investigation or re-trial in November, and three Appeals on the Judge's file, which have since been determined, while in the miscellaneous department the state of things was equally satisfactory, as the only cases, 13 in number, which had been depending for more than a year, when 1845 ended, related to the property of persons dying intestate, and awaited the expiry of the period of expectancy, prescribed by Clause 7, Section 16, Regulation III. of 1803; of these 10 have been since brought to a conclusion. These results are considered by the Court to reflect credit on the exertions of the Judicial Agency employed in this District.

Judge.	
Headings, Nos. 1 to 14	191
" " 15 to 17	510
	701

Principal Sudder Ameen.	
Headings, Nos. 1 to 14	342
" " 15 to 17	1588
	1930

65. The Government are aware, that the Civil business devolving on the higher Courts of this District is light, and that, save in the department of Criminal Justice, there is little room for the exhibition of more than ordinary industry: it appears accordingly, on reference to the Tabular returns, that Mr. C. F. Thompson, the Judge throughout the period under review, was occupied for 145 days in the hearing of Sessions trials and Appeals from the orders of the magisterial authorities in Criminal cases, and that his performances

on the civil side were restricted to the decision on trial of 94 regular cases, of which one only was an original suit, and the disposal by orders on the merits, of 585 miscellaneous cases, of which 117 appertained to the first 14 Headings of the Statement No. 2. The work, dispatched, falls short in both branches of that accomplished in 1844, although during the period under notice nothing occurred to interrupt the Judge's labors, but it is clear from the state of the files, both regular and miscellaneous, the former of which exhibited but 33, and the latter only 29 depending cases, that more could not have been done, even had the large demands upon Mr. Thompson's time and attention, as Judge of Sessions and Criminal Appeal, admitted of more than 84 days being devoted to civil duty: the Judge was incapacited by illness for attending office during 18 days. One case, tried with the aid of a Punchayet under Regulation VI. of 1832, was decided in accordance with the award delivered by that body, and there is nothing in the Judge's report to shew, why the enactment in question had not a more extended operation.

66. As in the Judge's, so in the Principal Sudder Ameen's Court, but few suits are instituted, and the services of that functionary are therefore available, without injury to his other duties, in the adjudication of Appeals, and in aiding the Magistrate to the extent of his legal competency, by disposing of petty criminal cases: while the Principal Sudder Ameen's files are thus replenished and occupation given to him, the Judge is so far relieved from civil duty, as to be enabled to dispose of the numerous Sessions trials and Criminal Appeals, referred to him, with the requisite punctuality and dispatch. Mahomed Fuzl Azeem, who was absent for 13 days in November over and above the period of the customary vacations, tried and decided 168 regular suits (of which 77 were original and 91 Appeals) and passed orders on the merits of 234 miscellaneous cases referrible to Headings 1—14 of Statement No. 2, besides disposing of 1544 other matters under the remaining headings of the same return; in the latter description of work is included the complete or partial enforcement of 127 decrees, the disposal of 105 cases, relating to the unclaimed property of persons dying intestate, and of 72 Petitions of objections, preferred to orders passed in course of executing decretal orders, an amount of business, which could not have been exceeded, seeing that but 39 regular and 99 miscellaneous cases (of which the majority belonged to the last three Headings of Statement No. 2,) awaited decision, when 1845 came to a termination. The Principal Sudder Ameen is stated in the Judge's letter (for the Statements of the Magistrate's Court for the past year have not been received) to have "disposed of 60 criminal cases, regular and summary." Although Mr. Thompson has neglected—or perhaps inadvertently omitted—to record any decisive opinion respecting the qualifications of Mahomed Fuzl Azeem, whose recent elevation to this high and responsible office should have suggested the propriety of such opinion being expressed, the Court infer from the issue, with which Appeals from his decisions were attended, that he has patiently investigated, and judiciously determined the matters, submitted to his adjudication, inasmuch as his orders were confirmed in 11 out of 12 cases, that underwent the Judge's revision; it is perhaps a better test of the satisfaction, with which his decisions are, generally, received, that of 64 original *contested* suits no more than 27 or a proportion of 42·18 per cent were carried up in Appeal; this is rather below than above the usual average.

67. Mr. C. F. Thompson's judgment was affirmed in one case, that came before the Sudder Dewanny Adawlut in Special Appeal.

68. Of the five Moonsiffs, who compose the inferior judicial agency of this jurisdiction, and who collectively passed decisions after trial on 1356 suits (more by 233 than in 1844) none but the Moonsiffs of Mynpooree and Phuppoond succeeded in attaining to the prescribed standard of annual decisions, this issue being occasioned by the paucity of suits instituted, and, in the case of Shekoabad, by the vacation of the office for a period of nearly five months, consequent on the retirement of the late incumbent, which was announced in

the 70th paragraph of the last Report, and on the delay in the appointment of a successor, who did not join until the 5th November. Of the cases decided, as above, 207 were tried exparte, and 655 on confession of judgment, and, when the year closed, the aggregate arrear on all the files comprised but 415 cases, all of which were instituted within the year under report; the small accession of 58 to the number of depending cases, as compared with the state of the files at the end of 1844, may be accounted for by the increase, observable in the income of business, and cannot, with advertence to that fact, to the interruption just noticed and the vacation of the Suhawur Moonsiffee from the 1st January until the 9th February, be made the ground of an opinion, unfavorable to the diligence of the Officers concerned. The miscellaneous department has likewise received adequate attention, 447 decrees having been fully executed, and 358 others partially enforced, while 530 applications were struck off on the failure of the decree-holder to proceed in the matter, and the Judge, it is satisfactory to add, certifies that, on examination of several cases of every description, he found no "great irregularities:" such lesser deviations from established practice and such omissions, as fell under the Judge's observation, were pointed out for future avoidance. At the end of 1845 the number of applications for execution of decree, which awaited disposal, was smaller by 37 than at its commencement. The result of 171 Appeals, tried by the Judge and Principal Sudder Ameen in the proportions noted marginally, conveys a favorable opinion of the judgment, exercised by the Moonsiffs of this jurisdiction in the determination of the cases, brought before them; the Judge would seem to have, generally, made over to the Principal Sudder Ameen for adjudication those cases of Appeal, in which the propriety of summoning the respondent appeared probable, and thus the different issue, with which the cases, revised in the two local appellate tribunals, were attended, is sufficiently explained.

	Tried.	*Confirmed.*	*Reversed.*	*Percentage on reversals.*
By Judge, ...	80	66	14	17.50
By Prinl. Sud. Ameen,	91	55	36	39.56

69. The sum realized in this District by the sale of stamped paper, filed in the Moonsiffs' Courts, falls short of that expended by Government in their maintenance, as shewn in the subjoined Statement.

Moonsiffee.	*Cost of Establishment, &c.*	*Amount realized by the sale of Stamps.*
Moonsiff of Mynpooree, ...	1680 0 0	1552 6 0
Ditto of Shekoabad, ...	1648 0 0	1019 14 0
Ditto of Suhawur, ...	1605 0 0	1213 10 0
Ditto of Etawah, ...	1680 0 0	1504 4 0
Ditto of Phuppoond, ...	1680 0 0	2314 8 0
	Rs. 8293 0 0	7604 10 0

Since the submission of the Court's Report for 1844, the Judge's propositions in regard to the adjustment of the jurisdictions of the Moonsiffs' Courts have been under consideration, but the information, which the papers conveyed, was insufficient to enable the Court to come to a decision on the matter, and the arrangements suggested seemed to be susceptible of improvement: their execution has been postponed, pending the Judge's reply to enquiries made under date the 27th April last. The records, which are arranged according to jurisdictions, and the years in which the several cases were decided, are reported to be in good order: no other remarks, relative to the administration of Civil Justice in this District during the past year, would seem to be called for.

CAWNPORE.

70. With an increase of 325 in the number of regular suits, brought on the files of the several Courts in this District during the past year, an increase likewise in the number of cases finally disposed of, to the extent of 182, occurred, and at the close of 1845 there were 145 more cases awaiting decision than at its commencement; for this increase no particular reason can be assigned, unless indeed the absence of the Sudder Ameen for the most part of the last three months of the period under review, and the interruption, caused by the continued indisposition and consequent absence of the Moonsiff of the 4th Division, be thought sufficient in some measure to account for it; whatever may have been the cause of this accession to the arrear on the general file, it is not so considerable as to afford ground for the imputation of remissness to the officers concerned, or for any apprehensions as to the future efficiency of the administration, and the Court may therefore be permitted to dispense with further comment on the subject. It is true, that among the suits, which remained undecided, there were 13, according to the distribution given in the margin,* which had been pending for upwards of a twelvemonth, but of these the majority had been remanded either during the 3d or 4th quarter of the past year, and in the proceedings, held to prepare them for adjudication, no delay, that was avoidable, was thought by the Judge of this Court, who revised the periodical returns, to have been permitted except in one instance, which received proper attention at the hands of Mr. Harington, who was at the time officiating Judge of this District; the miscellaneous arrear of the same description was not large, consisting of 31 cases on the Judge's file, of which 28 awaited the expiry of the period allowed by law for the appearance of claimants to the property of persons dying intestate, and 3 applications for execution of decree before the Sudder Ameen, who, but for his absence towards the close of the year, as above noted, would most probably have succeeded in disposing of them. Mr. Spiers remarks (and the Court think, with justice) relatively to cases of longer standing than a twelvemonth, that "the end of the year is perhaps as unfavorable a time to take account as any other could be, for the Courts owing to Holidays can do little or nothing from the end of September till after the full moon about the middle of November, the large fairs at that time following so closely on the Dusserah vacation, as to render it difficult to get either parties or witnesses to attend;" nevertheless in other Districts, where the same causes must be presumed to be in operation, the arrear older than a year is, generally speaking, numerically smaller than in Cawnpore.

JUDGE.

Headings, Nos. 1 to 14	752
,, ,, 15 to 17	5895
	6647

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14	329
,, ,, 15 to 17	1039
	1368

* Principal Sudder Ameen,..... 2
Sudder Ameen,..... 6
Moonsiff of 1st Division, ... 1
Judge (Appeals,)..... 4
13

71. Mr. Spiers, who continued to preside in the Judge's Court until the 21st December, was occupied for 98 days (as in 1844) in the performance of Sessions and Criminal duties, and was prevented from attending Court for 4 days either by extra-judicial business, or other cause: during 160 days, that sittings on the civil side were held, 223 regular suits, of which only one was original, were brought to decision on trial, and orders were passed on the merits of 637† miscellaneous cases under the first 14 Headings of Statement No. 2, the latter item being composed chiefly of 53 petitions for Summary Appeal, 73 petitions of Appeals under Regulation VII. of 1825, 131 petitions of miscellaneous and interlocutory Appeal (formerly aggregated with the entries in Heading 17) 100 applications from paupers, and 216 notices for the redemption and foreclosure of mortgage under Section 8, Regulation XVII. of 1806; this epitome of the business dispatched seems to call for no remark, save that it bears testimony to Mr. Speirs' personal diligence in the same degree, that the general result of the operations in the Lower Courts reflects credit on the care and activity of his supervision.

† By Mr. Spiers,..... 616
By Mr. Harington, ,,..... 21

In commenting on Statement No. 7, which shews one case to have been decided in opposition to the award of a punchayet, and three in accordance with the verdict of a jury, convoked under Regulation VI. of 1832, Mr. Speirs notices the delay incidental to the employment of a punchayet, and expresses an opinion in favor of allowing parties "without instituting regular suits, to come to Court, and state the subject in dispute, which they might wish to have decided," and of authorizing the Courts "after seeing that the subject of dispute was clearly stated and that both parties agreed, to issue an order to the punch in the usual mode, and, when decided, to execute the award, as if it had been a decree of Court;" the Court have declared their inability to concur in this proposition; they have remarked, that delay must always be incidental to the employment of agency, whose aid is other than compulsory, and that, whatever may be thought of authorizing coercion in respect of assessors and jurors on criminal trials, they cannot advocate the same severity in regard to arbitrators assembled for the adjustment of a dispute concerning property; it does not appear probable, that, under the plan suggested by Mr. Speirs, claims would be more speedily adjusted, or more equitably determined, than under the system authorized by Regulations XXI. of 1803 and VI. of 1832, or that any good result would follow, were the rules, enacted by Regulation VI. of 1813, for the reference to arbitration of contests regarding landed property, &c. specially, extended to disputes about accounts, pecuniary transactions and other matters of the same sort, generally: the Regulations cited make ample provision, in the opinion of the Court, for all cases, which it would be advisable to subject to arbitration, and if the members of the arbitration suffer unreasonable delay to occur in the delivery of their award, it is always lawful and easy for the presiding judicial officer to dispense with their aid, and to proceed to an independent judgment on the matter at issue.

72. In the Principal Sudder Ameen's Court, administered throughout the period under review by Khadim Hossein Khan, 161 regular suits, 68 being original and 93 Appeals, were brought to decision on their merits, and 233 miscellaneous cases, inclusive of 147 applications for execution of decree, struck off after full or partial enforcement, were investigated and determined, the work, it thus appears, falling short, as regards quantity, of that accomplished in 1844, whether in the regular or the miscellaneous department: it should here be noted that of the 96 cases, which remained for future disposal at the close of 1845, 40 were Appeals transferred to the Principal Sudder Ameen's Court for trial in December, and that the duties of the miscellaneous department would seem to have received adequate attention, seeing that the arrear was but little larger than at the end of 1844, and that it comprised no cases of older date than the period under report. The occasions were not rare, on which the Judge of this Court, on whom the duty of reviewing the periodical Statements from this District devolved, felt it needful to reprehend the Principal Sudder Ameen's inattention to the preparation of cases for adjudication, and to complain of the inefficiency of his controul over the Vakeels, practising in his Court, circumstances, which were thought to have interfered in some measure with the quantity of business dispatched, and to have been instrumental in protracting the duration of many cases in his Court: Mr. Spiers, having examined the record of a few cases step by step, considered that they had not been properly conducted in their early stages, and having communicated his remarks and opinion to the Principal Sudder Ameen, now indulges the belief that, "in some respects greater attention is paid to the preparation of cases, and that delays on the part of agents are punished," opinions, which the Court hope to see confirmed by the results exhibited in future returns, and by the character of the Principal Sudder Ameen's proceedings in cases, which may pass under their review in Appeal. Khadim Hossein Khan decided 32 criminal cases, and disposed of 141 miscellaneous applications and petitions in the same department. As in former years, so during that under report, the proportion of Appeals brought to obtain reversal of this Officer's decisions was large, and the issue of a nature to shew, that there was good cause for dissatisfaction with his judgment; 22 cases, which were decreed exparte or on confession of judgment,

being deducted as commonly affording little ground for Appeal, Khadim Hossein Khan passed orders on 46 contested original suits, and the number of regular Appeals instituted before the Judge and Sudder Dewanny Adawlut amounted to 49, that is to say, 40 in the former, and 9 in the latter, Court; in other words, it would seem, every decision pronounced by the Principal Sudder Ameen is subjected to revision in Appeal; the issue of those, determined during the past year, though more favorable than that represented in the Report for 1844, cannot be said to denote the exercise of a good discretion in the decision, or of patience in the investigation, of matters, requiring judicial determination at his hands, but a considerable improvement, it is satisfactory to remark, has taken place in the result of miscellaneous Appeals, only 13·95 per cent of those tried having terminated in the reversal of the Principal Sudder Ameen's order, whereas in 1844, 22 out of 36 of his decisions in such cases were interfered with. The Court still entertain a hope, that with enlarged experience in judicial business, the Principal Sudder Ameen's judgment may improve, and that he may acquire a reputation, not only for personal industry, but for fair ability, likewise, and intelligence in the performance of his duties.

Regular Appeals.		Appeals under Reg. VII. 1825.		Appeals under Reg. XXVI. 1814.		Miscellaneous Appeals.	
Confirmed.	*Reversed.*	*Confirmed.*	*Reversed.*	*Confirmed.*	*Reversed.*	*Confirmed.*	*Reversed.*
29	19	6	7	4	6	37	6

39·58 per cent of reversals.

73. Of 3 Special Appeals, heard by the Sudder Dewanny Adawlut from the Judge's Court, one ended in the reversal of Mr. Speirs' decision, and the other 2 in the cases being remanded; while of 11 Appeals (9 regular and 2 special) from the orders of Khadim Hossein Khan, Principal Sudder Ameen, two were dismissed and one adjusted, his judgment was reversed in 2, modified in 3, and in the remaining 3 the cases were remanded.

74. Pundit Saligram, the Sudder Ameen of Cawnpore, Officiated as Moonsiff of the 4th Division from the 14th May until the 9th September, retaining charge, at the same time, of his proper office, and discharging the duties, devolving on him, with diligence and carefulness: in the Sudder Ameen's Court were decided on trial 109 regular suits, and 455 miscellaneous cases, including 186 cases of execution of Decree (in all of which the demand was either fully or partially satisfied) were disposed of after investigation of the merits, but this does not represent the whole measure of Saligram's personal exertion, seeing that, in the capacity of Moonsiff of 4th Division, he decided 93 regular and 155 miscellaneous cases, and that his services were made available to a small extent in the performance of Magisterial duty, 22 trials having been held and finally determined by him in that department. To the Pundit's absence for nearly 2½ months towards the close of the year it may be attributed, that both the regular and miscellaneous arrear in his Court was somewhat larger at the end than at the beginning of 1845, and that the greater portion of the cases, of longer standing than a twelvemonth, appertained to his file. The note, given in the margin, which is excerpted from the Judge's report, shews the issue, with which regular and miscellaneous Appeals from the Sudder Ameen's Court were attended, and conveys no very favorable impression of his judicial ability, notwithstanding that it exhibits considerable improvement on the results, which in the 76th paragraph of the Court's report were pronounced far from creditable.

Regular Appeals.		Appeals under Reg. VII. of 1825.		Appeals under Reg. XXVI. of 1814.		Miscellaneous Appeals.	
Confirmed.	*Reversed.*	*Confirmed.*	*Reversed.*	*Confirmed.*	*Reversed.*	*Confirmed.*	*Reversed.*
44	36	14	9	9	15	20	24

45 per cent of reversals.

Early in the year under notice an application was received from Saligram for removal in the capacity of Sudder Ameen to some District in the Lower Provinces, and was negatived by the Court with reference to correspondence,* which passed with Government on the subject of a similar request, but now† that the difficulties, opposed to the interchange of appointments, alluded to in that correspondence, would seem to have been removed, the Court would fain hope, that on the same grounds the same expectation of being eventually transferred to the Bengal Division of the Presidency may be extended to Pundit Saligram.

* *v.* paragraph 6, Report for 1844.

† *v.* Your letter, No. 1132, dated 19th March and enclosures.

75. Without more than referring cursorily to the interruption, caused by the illness, absence and subsequent removal of the Moonsiff of 4th Division, the Court desire me to express their approbation of the industry exhibited by the Moonsiffs collectively; they passed decisions after trial on 1304 regular cases, and disposed of 2156 miscellaneous cases by orders on the merits: of the former 277 were tried exparte and 470 were decreed on confession of judgment, and in the latter are included 883 applications for execution of Decree, 643 of which were struck off after full, and 240 after partial, satisfaction of the demand, in addition to 653 similar applications, which were thrown out owing to default on the part of decree-holders to proceed in the matter. The regular decisions on trial yield an annual average of 261 to each of the 5 Moonsiffs, of whom two only, those of the first and third Divisions, were able, by the income of business, to exceed the prescribed minimum of 300; of the three remaining Officers, two were prevented by the fewness of suits instituted from attaining to the above standard, while in the third office changes of incumbency occurred, which, combined with the demands on the time of Saligram, who acted in this Court for nearly four months, and the inexperience of the present incumbent, Kulub Alee Shah, appointed towards the close of the year, may be supposed to have interfered with the dispatch of business. Mr. Speirs attaches no importance whatever to the fact of many suits being brought to a close on Ikbaldawa, thinking that "many suits are brought with a view of getting the debt clearly recognized by the other party, and facilitating its realization at any period the holder may think fit," and that "few parties are sued, who from poverty or other such cases do not reply." A note is entered in the margin, exhibiting the result of Appeals from the decisions of the Moonsiffs, which, though superior to that represented in the returns for 1844, is certainly not such as to convey a favorable idea of the judgment, and knowledge brought to bear on the judicial business, brought forward in these Courts; it is true that many of the Appeals were tried by the Principal Sudder Ameen, who cannot receive credit for good judgment, if any faith be placed in the facts above (paragraph 74) mentioned, but it will be observed, that the decisions of the Lower Courts have been confirmed and reversed in nearly the same proportion by that functionary and the Judge, so that, without ascribing to the latter the want of judgment, for which the former has always been remarkable, the unfavorable opinion of the Moonsiffs, as derived from the issue of Appeals, can be held subject to no qualification on that account. According to a standard, determined by Mr. Speirs on a consideration of the issue of all Appeals, regular and miscellaneous, Itrut Hossein the Moonsiff of the 3rd Division stands first in order, but Mahomed Shookroollah, of the 5th Division, receives praise for the rapidity and the satisfactory manner, in which most of his cases are decided, and is thought by Mr. Speirs on a review of the past year's operations to be highly deserving

	Tried.	*Confirmed.*	*Reversed or Modified*	*Percentage of reversals.*
Mohmed Mootuqquo, Moonsiff of 1st Division, ...	57	36	21	36·84
Hufeez Alee Khan, Moonsiff 2nd Division, ...	24	12	12	50.00
Itrut Hossein, Moonsiff 3rd Division,	52	33	19	38·46
Mahomed Shookroollah, Moonsiff 5th Division, ...	36	22	14	38·88
	169	103	66	39.05

of advancement to the superior class of Moonsiffs: of the qualifications of Kullub Alee Shah no judgment can be formed, owing to the recency of his appointment, and the small opportunity, that has hitherto offered, of subjecting his proceedings to examination.

76. The cost of the Moonsiffs' establishments in this District, and the net revenue realized by the sale of stamped paper, filed in their Courts, nearly counterbalance each other as shewn in the subjoined Statement.

Moonsiffee.	*Cost of Establishment &c.*	*Net value of Stamp paper.*
1st Division, ...	1980 0 0	1903 8 0
Colonelgunje or 2d Division, ...	1970 5 1	792 8 0
Gujneir or 3d Division, ...	1680 0 0	2375 10 0
Sheorrajpore or 4th Division, ...	829 2 5	1561 0 0
Deapoor or 5th Division, ...	1680 0 0	1548 0 0
	8139 7 6	8180 10 0

It is only needful to add, in regard to these Courts, that since the date of the last report the re-adjustment of their jurisdiction, as proposed by the Judge, has received the sanction of the Court and approval of Government, and the arrangements have probably ere this been carried into execution. Mr. Speirs promises to report the result of his labors in the improvement of the record department, so soon as they shall have been brought to a close: the records from 1839 to 1845 are said to be in good order.

v. My letter, No. 80, dated 21st January 1846.
Your reply, No. 489, dated 10th Feby.

77. In the 13th and following paragraphs of his Report Mr. Speirs touches upon some subjects of considerable interest and importance, whether considered abstractedly, or in connection with the collision of independent authorities, which the somewhat undefined state of the Law, affecting property within the boundaries of the Military Cantonments, renders probable; with the view of removing one of the most probable causes of such collision, the Court have recommended* to Government the collection and publication, for the information as well of residents as of the Civil Courts, of all rules issued under Section 26, Regulation XX. of 1810, or otherwise current in cantonments, and have entered into correspondence with the Calcutta Court to determine, whether the view taken by the Judge of Section 2, Act XI. of 1841 is correct or not: Mr. Speirs argues, that the rule, under which a party may be sued either in the Court of the District, where he resides, or in that of the District, within the limits of which the cause of action may have arisen, is apparently superseded, quoad residents in cantonments, by Act XI. of 1841, which seems to him to require that, though the cause of action shall have arisen beyond the bounds of cantonments, the parties in question, in cases cognizable under that Act, must be sued in the Courts of Requests. Mr. Speirs has been requested to make a separate reference on the more important questions discussed in his 16th paragraph. The Judge's 13th paragraph refers to the course, which should be pursued when a man's property may have been sold in execution of a Decree subsequently reversed in Appeal, and Mr. Speirs dwells particularly on the hardship incidental to the alienation of patrimonial property in such cases, truly observing that its price will hardly be regarded by the owner, as an equivalent for its loss under a reversed decree; it seems, however, to the Court that these hardships may be averted by pursuing the course described in the 35th paragraph of the Court's Annual Report for 1843: every man, by giving security, is able to stay execution of a Decree against him, until the judgment have been either upheld or reversed in Appeal, and no one, having property sufficient to satisfy a Decree, can be supposed to be so

* *v.* My letter, No. 811 dated 26th May 1846.

indigent as to find any difficulty in providing the requisite security; the Court, in communicating these remarks to Mr. Speirs, have assured him of their readiness to give attention to his representations, should he consider the rules, above referred to, inapplicable to the cases, which suggested his observations.

78. The Court, before closing this section of their Report, desire me to solicit the attention of Government to the 18th paragraph of Mr. Speirs' Report and to the note, left on record by his locum tenens, Mr. Harington, respecting the absolute inefficiency of the Judge's English office: though the work in this department has been much increased of late years, and more recently by the orders of the Court dated 11th April 1845, and by the orders of the Accountant dated 16th October 1845, and, though the tendency of all innovations is still further to augment the labors of that department, yet there is but one Clerk, whose energies are overtasked, and who, in order to escape blame, is frequently necessitated to employed an assistant at his own expence. Adverting to the rule, laid down by the Government, that no augmentation of allowance for the maintenance of one part of the ministerial establishment shall be permitted, unless a corresponding reduction in some other branch can be effected, and to the frequent occasions, on which the Court's proposals of this nature have been negatived, the Court declined to subject themselves to similar disappointment in this instance by submitting a direct application, but they avail themselves of this opportunity to express their opinion, that the remonstrance of Mr. Speirs cannot be equitably disregarded, seeing that not only his private funds and those of Mr. Harington have been taxed, but the pittance, received by the Clerk, has been indented upon to provide for the performance of work, which the agency allowed by the Government is positively unable to keep pace with.

FUTTEHPORE.

79. In the 87th paragraph of the Civil Report for 1844 allusion was made to certain correspondence, in which Mr. H. Lushington, the Judge of Futtehpore had hinted at the progressive decrease of civil business, and the possibility of the abolition of this Judgeship becoming expedient, and in my letter, No. 963, dated 31st May 1845, it was stated, that Mr. Lushington would be requested to refer particularly to this subject in reporting on the administration of the year, which has just expired: as Government, however, have determined to erect a new Court House, notwithstanding Mr. Lushington's representations, and as the idea of reducing this Judgeship would not seem to have been seriously entertained, it may be unnecessary to discuss the question further.

JUDGE.	
Headings, Nos. 1 to 14	248
,, ,, 15 to 17	3011
	3259

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14	366
,, ,, 15 to 17	753
	1119

During the past year the income of civil business was larger than in that, which preceded it, 285 more suits having been brought on the general file, but this increase, it is proper to remark, is almost restricted to the Moonsiffs' Courts, in which no less than 1203 cases were instituted, whereas in 1844 the number did not exceed 949; the cause of this remarkable increase is explained in the 7th paragraph of the Judge's report, wherein it is stated that Syed Mahomed Khan, the late Moonsiff of Hutgaon, avowedly encouraged the zeemindars to bring suits for the recovery of land rents in the Civil Courts, in preference to the revenue Courts, "and pointed out to them the Law, which permitted such claims to be laid at one fourth of the usual valuation." The Court, in noticing this passage of the Judge's report, felt it incumbent upon them to animadvert upon the Moonsiff's conduct, which is said to have been actuated by a groundless apprehension of incurring censure for deficiency in the quantity of work performed, and to point out, that nothing can be more foreign to the duty of a judicial Officer, than to promote litigation for the purpose of securing himself from the supposed displeasure of his superiors, and preventing the abolition of his office: however

anxious the Court may be to discourage needless delay in the disposal of judicial business and to check any tendency to remissness on the part of the subordinate judges, they cannot attach blame to any functionary for "deficiency in the quantity of work performed," when a deficiency in the quantity of work instituted is the obvious cause. The industry, however, of the judicial agency employed has been commensurate with the increased income of civil business, the suits finally disposed of having been more numerous by 253, than in the year 1844, and the accession of 78 cases to the amount of depending arrear, having been clearly occasioned by the vacation, for a considerable portion of the year of the Hutgaon Moonsiffee, by a change of incumbency to be hereafter noticed, and by the very recent institution of the suits, which awaited decision in the Futtehpore Court. It is satisfactory to remark, in regard to the general file, that 2 original suits, remanded to the Principal Sudder Ameen's Court in the month of December, composed the whole arrear of longer standing than a twelvemonth in the Futtehpore District.

80. As intimated in the preceding paragraph, there was during the past year a falling off in the income of business, as regards the Judge's Court, but the incumbency in the office was more continuous, than it has been of late years, and the consequence is seen in the result of the Judge's operations, as compared with his performances in the year 1844. Mr. Lushington, who was absent on leave during the first part of the year, resumed charge on the 21st February, and devoting 188* days to the duties of the Civil Court, disposed of 195 Appeals from the decisions of the subordinate Judges after investigation, and passed orders on the merits of 208 miscellaneous cases under Headings 1 to 14 of Statement No. 2, the matters, indicated in the margin†, being included in the latter item; on the former, the regular file, there were but 30 cases awaiting determination, when the period under report terminated, and these "were not ready for decision, or they would have been decided," while in the miscellaneous department, the aspect of business was equally satisfactory, the arrear being limited to 24 cases, of which 7 only appertained to the important headings of the return, appropriated to exhibition of this description of work. The Principal Sudder Ameen, Mahomed Yoosuf Hussun Khan, who discharged the current duties of the Judge's office during Mr. Lushington's absence, took no part in the adjudication of Appeals, the number preferred being so small as to render his aid unnecessary; he would seem, however, to be entitled to credit for his performances, which comprise the determination on trial of 107 original suits, and the disposal, after investigation of the merits, of 281‡ miscellaneous cases and petitions, referrible to the first 14 Headings of the No. 2, Statement, and which could hardly have been exceeded, seeing that, when the period under review came to a close, there were but 40 cases, pending in the former, and 89 in the latter department, and that but 2 of these were, nominally of older date than a twelvemonth. Were the Principal Sudder Ameen to be judged solely by the result of Appeals from his orders, no very favorable estimate could be formed of his qualifications for judicial office, inasmuch as out of 32 cases, in which his decisions were revised by the Judge, they were either reversed or modified in 14, or 43·75 per cent, but, the Court are glad to observe, Mahomed Yoosuf Hussun Khan retains the character for integrity, which has been on former occasions ascribed to him, and is willingly accepted as a referee or arbitrator in any suit, whenever that is proposed; his decisions are reported to give satisfaction, and "parties desiring to procure an order for the removal of their "cases from the jurisdiction of any Moonsiff seem always willing, that they should be made

* 27 days were occupied both in Sessions and Criminal duties.

† Petitions for Summary Appeal, ... 24
Do. for Appeal under Reg. VII. of 1825, ... 44
Do. of miscellaneous and interlocutory Appeal, ... 30
Do. for the redemption and foreclosure of mortgage, .. 35
Execution of Decree, ... 10

‡ These comprise 156 Applications for execution of Decree, either fully or partially enforced, and 99 cases of objections, preferred in course of execution.

" over to the Principal Sudder Ameen" facts, which may be received as practical proofs of the estimation, in which he is held.

81. Mr. Lushington has diligently endeavored, during the past year, to extend the operation of Regulation VI. of 1832, and has recorded at some length, in the 10th paragraph of his report, the result of his experience, as regards this mode of adjudication ; 26 cases were referred to Punchayets, and 2 were decided with the aid of Assessors, whose opinion was followed in the one case, and in the other was not unanimous; while Mr. Lushington expresses an opinion somewhat unfavorable to the former description of Agency, and, in reference to " murmurs of partiality" which " began to make themselves heard," considers that those provisions of the Law, which sanction the carrying on of investigations apart from the Court, must be availed of with caution, he pronounces the aid of Assessors to be valuable, when they are sufficiently well educated, but finds an objection to their frequent employment in the impediment, thereby occasioned, to the prompt dispatch of business, and repeats the observation, recited in the 83rd paragraph of the Court's last report, that, " it is doubtful, whether those persons, who perform the duty satisfactorily on Criminal trials, are always competent to adjudicate in civil suits." These are practical opinions, which are entitled to much weight and consideration, as proceeding from an Officer of approved ability and experience, who has perhaps given his attention more earnestly to the operation and effect of the Law under notice, than the generality of the judicial authorities have done.

82. Two special appeals were heard by the Sudder Dewanny Adawlut from Mr. Lushington's decisions, of which one was confirmed, and the other over-ruled, the case being sent back by remand; the Principal Sudder Ameen's judgment was affirmed in the only case, which came before the Court in regular Appeal during the past year.

83. There have been some changes of incumbency in the Moonsiff's Courts, which it may be advisable to mention before reviewing the result of the past year's operations. Kadir Buksh, late Moonsiff of Hutgaon, whose retirement on pensionary support was noticed in the 85th paragraph of the Civil Report for 1844, was succeeded in his office by Syud Mahomed Khan, who was compelled by severe sickness (which terminated in his decease) to abandon his post on the 7th August; the office remained closed until the 2nd November, when, in accordance with the Judge's recommendation, Emadool Hussun, the Moonsiff of Jahanabad, was transferred to the Hutgaon jurisdiction, and the former office remained vacant from the date above mentioned to the close of the period under report; more business might have been despatched, if these interruptions had not unavoidably occurred, but the Court know not, that either injury or inconvenience has ensued, or that the accession of 134 cases to the arrear on the regular file can be ascribed to any other causes, than the increased income of business, and the diminished strength of the judicial agency engaged. The business transacted in these Courts comprehended the decision on trial of 773 original suits (of which 167 were tired exparte, and 306 were brought to a close by confession of judgment) and the disposal, after enquiry into the merits, of 1379 miscellaneous cases, including 286 decrees fully, and 172 others, partially, executed: less activity is apparent in the latter department, than the returns for 1844 exhibited, but it is evident, on examination of the Tabular Statements, that there is no ground whatever for the imputation of remissness to the Officers concerned, seeing that the aggregate arrear at the close of the year under notice was smaller than that at its commencement, and that, as in the regular, so in the miscellaneous branch of business, no case of longer standing than a twelvemonth awaited determination. Of the three Moonsiffs one only, the Moonsiff of Futtehpore, succeeded in attaining to the prescribed number of yearly decisions, being indebted rather to adventitious circumstances, than to any superior industry, for this advantage, if such it may be called, over the others who are equally with him entitled to credit for their diligent application, and attention.

Mr. Lushington observes, that, after deducting the regular suits, which were decided exparte or on Ikbaldawa only 300 actually contested cases were disposed of in these Courts, adding that, "were it otherwise, the Moonsiffs would be unable to get through the work expected from them," but this is hardly a correct representation of the matter, for the standard was determined, and the expectation formed with due advertence to the circumstances, which characterize litigation in this country, and serve to diminish the labor, required for the prompt disposal of judicial business. In reference to the 11th paragraph of the Judge's report, in which he alludes to "the large number of applications for execution of Decree, struck off the file without any part of the Decree being carried into effect," in terms, which betoken an impression on his mind, that this must be regarded as an unfavorable result, the Court have remarked, that, though the general and very in-frequent occurrence of this circumstance is certainly a subject of regret, yet no blame can attach to the judicial Officers on that account, nor can any fault be ascribed to the system, by which their proceedings in such cases are governed: if Decree holders think fit to neglect their own interests, or relax in their efforts to obtain enforcement of the awards made in their favor, no good purpose can be answered by retaining their applications on the file, and, if twice 412 cases had been struck off on default during the past year, no actual detriment could have followed.

84. The marginal* memorandum exhibits the result, with which Appeals from the decisions of the Moonsiffs were attended in the Judge's Court, and represents the judgment of Nundloll and the late Moonsiff of Hutgaon, Syud Mahomed Khan, in a satisfactory light, but it does not reflect equal credit on the ability of Emadool Hussun, who has hitherto enjoyed rather an unenviable notoriety in this District; it is due, however, to the latter functionary to remark that of the Appeals, which terminated in the reversal of his decision, 7 were made over to Punchayets under Regulation VI. of 1832, one to arbitration, and one was tried with the aid of Assessors, and that, had these cases been determined by the Judge without this auxiliary agency, the issue might possibly, nay probably would, have been very different; in respect of these several cases Mr. Lushington states, that those, referred to Punchayets, were all connected "with book debts and small bond debts," exceedingly short and simple, and seldom presenting any points, on which the opinion of a Moonsiff is not likely to be even better than that of an European Judge," and that, as a case decided by arbitration partakes of the character of an adjustment, no inference unfavorable to the Moonsiff's judgment can be drawn from any arrangement, which the arbitrators may recommend: Mr. Lushington, in explaining further that there was no fault to find with the Moonsiff's decision in the case, subsequently tried with assessors, has said sufficient to qualify the unfavorable opinion, deducible from the details of the Appeal statement, and to satisfy the Court, that Emadool Hussun possesses fair qualifications, and may hope, in the locality to which he has been removed for sufficient reasons, (which reflect no discredit upon him) to acquire a good reputation, and to reap the reward of official merit. Syud Mahomed Khan, who commenced his judicial career last year, is mentioned by the Judge in terms of such warm commendation, that the Court regret his decease, which occurred in December last, while of Nundloll, the Moonsiff of Futtehpore, it is noted, that his performances during the period under notice have been such, as to vindicate the propriety of the recommendation, which led to his late promotion.† The subjoined memorandum exhibits the actual

	Tried.	*Confirmed.*	*Reserved or Modified.*	*Percentage of reversals.*
* Nundloll, Moonsiff of Futtehpore,	56	38	18	32.14
Syud Mahomed Khan, Moonsiff of Hutgaon,	18	15	3	16·66
Emadool Hussun, Moonsiff of Jehanabad,	50	27	23	46·00
	124	80	44	35·48

† Para. 85 of last Report.

cost, incurred by Government during the year 1845, in the maintenance of the three Moonsiffs' Courts, as compared with the amount realized by the sale of stamps filed, and shews an excess of expenditure, amounting to 1140 12 0 or something less than the difference observable in the return for 1844.

Moonsiffee.	*Cost of Establishment.*	*Amount realized by sale of Stamps.*
Futtehpore, ...	2280 0 0	1826 8 0
Jehanabad, ...	1680 0 0	1167 10 0
Hutgaon, ...	1680 0 0	1506 10 0
	5640 0 0	4500 12 0

85. It will be gratifying to the Hon'ble the Lieutenant Governor to learn, that the voluminous correspondence, relating to the sale of unrecorded rights and interests in land (*Huq-o-Moorafiq*) in satisfaction of decrees of Court, and the laborious examination of the Lower Court's proceedings, which the enquiries of Government necessitated, have not been without their effect in correcting the irregularities of practice, that were found to prevail, and introducing sound principles of action in these matters; referring to the 12th paragraph of Mr. Lushington's report for further details, the Court will content themselves with stating on the Judge's authority, that a statement of all sales of *Huq-o-Moorafiq*, made subsequent to the date of the correspondence mentioned, did not exhibit "one single instance, in which there did not exist some ground for believing that the party, whose interests were sold, did really possess right in the property." The circumstances mentioned in the 87th paragraph of the Court's Report for 1844, preclude the hope of any material improvement taking place in the arrangement of the judicial records of this District, until the new Court House, which the Government have determined* to erect, be completed and occupied, for the evil, Mr. Lushington observes, "lies not so much in the disordered condition of the Misls themselves, as in the want of a sufficient number of racks, and of sufficient space and security in the record room;" in the meantime, the Court have recommended that the measure, sanctioned by the Circular Order No. 1210, dated 14th July 1845, be carried out, there being apparently no valid or adequate objection to the destruction of the papers therein indicated. In conclusion, I am desired to state, that Mr. Lushington has established a title to much praise, no less for his personal assiduity, than for the intelligence, zeal and vigilance, with which he has supervised the operations of the Lower Courts, and to express the satisfaction, with which the Court have viewed his removal to a jurisdiction, where the influence of an able and energetic, as well as painstaking and careful Officer, is believed to be much needed.

* *v.* Your letter, No. 2593, dated 21st June 1845.

BUNDELKUND.

86. The statements from this District have been submitted by Mr. S. G. Smith, with a minute left on record by his predecessor Mr. G. Lindsay, but, as this document contains little or no information in regard to the administration of the past year, or the manner, in which the subordinate Judges have discharged their respective duties, and as the present incumbent has excused himself on the ground of his recent appointment from reporting on these subjects, the Court must content themselves with epitomizing the Tabular Returns, and recording such remarks as the details represented therein may suggest. It is found that, while the income of business, generally, was larger by 191 suits, and the number before the Courts was more

JUDGE.		
Headings, Nos. 1 to 14,	..	195
" " 15 to 17,	..	2650
		2845

PRINCIPAL SUDDER AMEEN.		
Headings, Nos. 1 to 14,	..	314
" " 15 to 17,	..	537
		851

considerable by 68, than in 1844, the decisions on trial were fewer by 90, and the arrear depending at the end of the period under report exceeds that, which the general file exhibited at its commencement, by 185 cases; the increase both in the quantity of business brought forward, and in that awaiting disposal at the close of 1845, is almost exclusively restricted to the Moonsiffs' Courts, of which one was vacant from the 1st September to the end of December, owing to the retirement of the incumbent on a pension and the difficulty of finding a qualified person, willing to accept the office, and to this circumstance must be attributed the falling off in the amount of work dispatched, the less satisfactory condition of the general file as above noticed, and the inclusion of 2 regular suits, older than a year, in the arrear which is borne upon the returns of the past year. Mr. Lindsay endeavours in his minute to explain the cause of a *decrease* having taken place in the number of suits, instituted during the past year, but as the fact is otherwise, there may be no necessity to notice his argument, which under any circumstances could hardly be maintained.

87. It has been noticed in former reports, that the income of civil business is so light in this jurisdiction, that the rules, fixing the numerical standard of decisions to be observed in the several grades, become to the operations of all the Courts, more particularly of the two superior Courts, in a great measure inapplicable; when therefore it is stated, that the aggregate arrear on the regular file of the Judge's and Principal Sudder Ameen's Courts comprised but 55 suits, in the proportion of 31 to the former, and 24 to the latter, it will be admitted that those Officers, in deciding jointly 205 regular cases, the Judge, 80, and the Principal Sudder Ameen, 125, inclusive of 56 Appeals, performed as much work as the state of regular business on their files either demanded or permitted. The same circumstances would seem to have imposed a limit similarly on their exertions in the miscellaneous department, wherein the aggregate arrear under the first 14 Headings of Statement No. 2, did not exceed 69 cases, 117 having been decided after investigation by the Judge, and 208, inclusive of 161 decrees either fully or partially enforced, by the Principal Sudder Ameen, whose attention would seem to have been more closely devoted to this branch of work during the past year, by reason of the reprehensive remarks, which the Judge of this Court, who revised the periodical statements, conceived it his duty to record on various occasions; 2115 orders were passed by the Judge and 536 by the Principal Sudder Ameen under Headings 15, 16 and 17 of the same Statement, No. 2. It should be noted that 120 days were devoted to civil duties, and 101 to the hearing of Sessions trials and Criminal Appeals, and that, though Mr. Lindsay was relieved on the 30th November, yet, in the absence of any statement to the contrary, it is to be presumed, that his successor took no part in disposing of the business above described. Regulation VI. of 1832 was of course inoperative in this District, and Mr. Lindsay accounts for the fact by stating his reluctance to employ Vukeels who are more or less interested, or to call upon townsmen and agriculturists, who are "perfectly ignorant of the work, and, if not, are unwilling to sit" as jurors or assessors, for fear of incurring the displeasure or the enmity of those, against whom they may happen to deliver their verdict.

NOTE.—During other 14 days, Mr. Lindsay sat as Special Commissioner, and was unable to attend office for 10.

NOTE.—The Principal Sudder Ameen decided 45 Criminal cases.

88. Of 5 cases, which were revised in Special Appeal by the Sudder Dewanny Adawlut, Mr. G. Lindsay's judgment was in one affirmed, and the remaining four (4) were sent back by remand, a result, which attended 2 out of 4 (2 regular 2 special) Appeals from the Court of the Principal Sudder Ameen, whose decision was in another case reversed; the fourth was adjusted. The orders of Mooftee Goolam Mahomed, the Principal Sudder Ameen, were approved in 16 out of 26 cases, that underwent the Judge's revision, or 61·54 per cent, but the Court are not disposed, for obvious reasons, to found upon this fact any opinion of the care or the judgment, with which he discharged his judicial duties.

89. When 1844 ended, there were 110 suits awaiting future disposal in the Moonsiffs Courts, and during the past year, 1334 were brought on their files; of these 1444 cases, 162 were dismissed on default, 284 were adjusted or withdrawn, and 709 were decided on trial, 203 of the latter having been tried exparte, and 258 on confession of judgment; the deduction of these two items reduces the number of judgments given in contested suits to 248, which yields an average of about 82 to each of the three Moonsiffs, who are attached to this jurisdiction; that these performances, however inadequate to the fixed numerical standard, could not under the circumstances have been exceeded, is evident, for of the 289 suits, which composed the arrear on the files of these Courts, 180 appertained to the Julalpore Moonsiffee, which was vacated on the 31st August by the retirement* of Neamut Ashruff, the incumbent, on a pension, and was not filled up until after the close of the period under report; this, it is true, might have been avoided by transferring, as the Court suggested, a portion of the cases depending in the Julalpore Court to the other Moonsiffs for trial and decision, but there are objections to this measure, consisting in the inconvenience to which suitors are usually subjected thereby, which ought not to be lightly disregarded, and the Court are disposed to think, that the accumulation of arrear was not such as to call imperatively for the step alluded to. The work, dispatched by the Moonsiffs in the miscellaneous department, is represented by the determination, after enquiry into the merits, of 1024 cases, inclusive of 301 applications for execution of Decree, which were struck off, 236 after full, and 65 after partial satisfaction of the demand, while at the same time, it should be added, 366 others were thrown out on account of the Decree-holder's failure to proceed in the matter; the large proportion of the latter received from time to time the notice of the Court, but the Judge reported, after examining the records in cases so dealt with, that they exhibited no deviation from established rules, and there was therefore no ground for further enquiry; of 792 petitions, which were presented during the year suing out execution of Decree, 271 related to cases re-admitted after having been before struck off the file, and the inference is, as noted under the head of Seharunpore (para. 12) that Decree-holders are not withheld by the present system from resorting, a second or a third time, or even more frequently, to the Courts for aid in the realization of adjudicated claims. Luchmun Pershaud, the Moonsiff of Banda owes his superiority in regard to the quantity of business dispatched both in the regular and miscellaneous branches, to the larger income of the same in his Court, and there is no reason to suppose that more would not have been done in the other two Courts, had the state of the file permitted. In the margin is entered a Table, exhibiting the result, with which 110 appeals from the Courts were attended, and which, it seems to the Court, calls for little remark; the reversals are fewer than they were in 1844, and those, directed by the Judge and the Principal Sudder Ameen respectively, nearly tally, as regards the proportion, which they bear to the whole number adjudicated by each of them.

* *v.* my letter, No. 988 dated 3rd June 1845.
Your reply, No. 2711 dated 23rd Idem.

	Tried.	*Confirmed.*	*Reversed or modified.*	*Percentage of reversals.*
Luchmun Pershaud, Moonsiff of Banda, ...	60	41	19	31·66
Mashook Alee, Moonsiff of Teroha, ...	23	17	6	26·08
Neamut Ashruff, Moonsiff of Julalpore, ...	27	17	10	37·03
	110	75	35	31·81
By Judge, ...	54	36	18	33·33
By Principal Sudder Ameen, ..	56	39	17	30·35

90. A comparative statement, shewing the amount realized by the sale of Stamped paper filed in the Moonsiffs' Courts, and the expense, incurred by Government in their maintenance, is subjoined:

Moonsiffee.	*Cost of Establishment &c.*	*Amount realized by Sale of stamps.*
Banda,	2280 0 0	1991 4 0
Teroha,	1680 0 0	1769 8 0
Julalpore,	1380 0 0	2622 0 0
	5340 0 0	6382 12 0

The jurisdictions of these Courts have not yet undergone revision, as the obstacle mentioned in the 93rd paragraph of the Courts' last report is still unremoved.

91. It is believed that the record department is still in the efficient condition, in which it was found by Mr. Tayler on his inspectional tour, but neither the present incumbent in this Judgeship, nor Mr. Lindsay has touched upon the subject in submitting the statements of the past year. Since the date of the last report no correspondence has passed, and no incident has occurred, of a nature to require notice in this place; the Court will hope to receive from Mr. S. G. Smith a fuller report of the operations of the Civil Courts during the current year at its close.

ALLAHABAD.

92. The Court, as heretofore, have every reason to be satisfied with the result of Mr. Lang's administration during the past year, as exhibited in his report, and in the returns, which accompanied it: while the quantity of judicial business before the Courts differed but little from that in 1844, the arrear was at the close of the period under report smaller by 15 suits, than at a corresponding period of the antecedent year, and comprised but one case of longer standing than a twelvemonth, that being an appeal, remanded by the Sudder Dewanny Adawlut to the Judge's file, the papers, connected with which, were not received in the local Court until after the commencement of the Dusserah Vacation. The state of the miscellaneous files at the period noted was equally indicative of well directed and industrious exertion, exhibiting no cases, of date earlier than the year under notice, and being free from any objectionable accumulation of business, as will be shewn in the subsequent detailed notice of the operations in the several Courts, comprised in this Judgeship; the Court at large fully concur with their colleague, on whom the duty of revising the periodical returns from this District devolved, in commending Mr. Lang's personal diligence, and supervising care, and in deeming the results attained, "very satisfactory and creditable to all the Officers employed."

JUDGE.	
Headings, Nos. 1 to 14, ..	386
" " 15 to 17, ..	4684
	5070

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14, ..	810
" " 15 to 17, ..	95
	905

93. In the Judge's Court, presided over by Mr. Lang during the whole of the past year, (excepting two months, when he was absent on leave, and the Principal Sudder Ameen was with* little intermission in charge of the current duties) were decided on trial 285 regular suits, of which all but one were appeals, and, when the year ended, no more than 20 cases, 16 of which were instituted on the 13th December and subsequent dates, awaited determination, facts, amply proving that judicial business is dispatched with a degree of expedition, which leaves nothing to be desired, or to be complained of, and which, if not accomplished at the expense of proper deliberation and research, argues well for the efficiency

* Mr. H. H. Thomas officiated as Judge from the 24th February to 9th March, but did not dispose of any of the business of the Civil Court.

of the tribunal, in which it is exhibited. In the same Court, 282 miscellaneous cases under the 14 important Headings of Statement No. 2, were investigated and disposed of, a large proportion thereof being composed of miscellaneous and interlocutory appeals, and of appeals under Regulation VII. of 1825, not infrequently difficult of determination; in addition to which 4692 orders were passed on the matters, classified under the remaining headings of the same statement; the bulk of the arrear, depending at the close of the year, consisted of cases regarding the property of persons dying intestate, and there is nothing in this return of a nature to contradict Mr. Lang's assertion, "that nothing has been left undone, that could have been brought to completion." Sessions and Criminal duties occupied 68 days, and sittings were held on the civil side for 176, the remainder of the year being Sundays or other close Holidays. Notwithstanding Mr. Lang's unabated perseverance but little progress would seem to have been made in extending the use of the Agency provided by Regulation VI. of 1832, in the adjudication of Civil actions, of which 32 were thus disposed of during the past year with a result, which shews, that the favorable opinion, entertained and expressed by the Judge, of the efficiency and honesty of the parties engaged is not erroneous: the decision in one suit only differed from their recorded judgment. This would seem to be the appropriate place for referring to a practice, which Mr. Lang has introduced, of canvassing in his annual reports the accuracy of judgments passed by the Sudder Dewanny Adawlut on appeals from his orders, and which the Court have in their supervising capacity thought it needful to prohibit: the discussion of such questions is not only irrelevant to the subject of the report, but is at the same time hardly respectful to the superior Court, whose decisions must be presumed to have been pronounced with due deliberation, and a sufficient comprehension of all the circumstances, calling for consideration; no less than seven long paragraphs of Mr. Lang's otherwise satisfactory letter are thus occupied.

94. Of seven regular and one special appeal, heard by the Sudder Dewanny Adawlut from this Court, Mr. Lang's decision was in 4 confirmed, in 3 reversed, and one was sent back by remand.

95. The performances of Mahomed Ruzeeooddeen, the Principal Sudder Ameen, in so far as the *amount* of business dispatched by him is concerned, are very satisfactory, comprising, as they do, the adjudication of 236 regular suits (206 original and 30 appeals) and the disposal by an order on the merits of 646 miscellaneous cases and petitions under Headings 1 to 14, of Statement No. 2, 435 applications for execution of decree and 129 cases of objections, preferred to orders passed in course of execution, being included in the latter number: the *quality*, however, of this Officer's work would seem to be inferior, which is the more to be regretted, as his character for integrity, strict impartiality and independence is deservedly held in much estimation by those, who resort to his Court and are the best qualified to judge of his merits and demerits in these respects. The absence of judicial ability is evidenced not only by the unfavorable issue of appeals from his decisions, but more strongly by the large proportion of appeals, instituted, to judgments given in litigated cases, which (30 regular appeals and 59 suits, disposed of exparte or on confession of judgment, being deducted) amounted in number to 147: of these no less than 106, or 72·10 per cent, were carried up in appeal to the superior Courts, 100 to the Judge, and 6 to the Sudder Dewanny Adawlut, and in neither tribunal was the result such, as to convey a favorable impression of the Principal Sudder Ameen's judgment, 42 out of 93, adjudicated in the former, having terminated in the reversal of the original decision, and one only of those, disposed of in the latter, having ended in its affirmation. Mahomed Ruzeeooddeen is now a judicial officer of considerable standing and experience, and may, if he cannot overcome the natural infirmity of his judgment, be expected to correct that tendency to precipitation, to which the very unsatisfactory issue just noticed is partially attributable, for he is represented by Mr. Lang to have "neglected in many cases to go fully into the points at issue," and in others "to have passed over unnoticed the pleas urged by the defendant for the plaintiff being non-suited;" next to

absolute incapacity or dishonesty, nothing can more seriously detract from the value of a judicial officer, than that inconsiderate haste, which professing to perform every thing, actually does nothing, or rather necessitates the careful revision, and re-doing of that, which purports to have been once done, and the Court cannot, this defect remaining uncorrected, conscientiously nominate Mahomed Ruzeeooddeed for promotion, should a vacancy arise.

96. Of the 4 Moonsiffs, who compose the subordinate judicial agency of this District, one, Sulamut Alee, appointed Moonsiff of Kydgunge in succession to Moulvee Kuramut Alee deceased,* joined his appointment on the 12th April, and another, Heyt Loll, transfered† from the jurisdiction of the Azimgurh Court, received charge of his office on the 17th January; the trifling interruptions, thus occasioned, have not interfered with the transaction of the heavy judicial business, which under the present system devolves upon these tribunals of low degree; 1685‡ regular suits were brought to decision by orders on the merits; at an average of 421 to each Officer, and 1677 miscellaneous cases of all kinds were likewise investigated and disposed of: it is true, that in the latter item are comprised many applications and motions of little moment, and requiring little time for consideration, but it is to be borne in mind, on the other hand, that it comprehends 849 applications for execution of decrees, fully enforced, and 438 others partially settled, besides 211 petitions of objections and claims preferred in course of execution, and various cases of resistance to the process of the Courts, and it is undeniable, that in the prompt disposal of this mass of business, praiseworthy industry has been exerted. It is owing perhaps rather to adventitious circumstances, such as his location in the city, and the institution of more business in his Court, that the performances of Syud Abdoollah greatly exceed those of his brother Moonsiffs, who, if they be second to him in ability, receive equal credit with him for unabating diligence and zeal; his superiority in the one respect is testified by the annexed extract from the appeal statement, which exhibits in detail the result, that attended the reviewal of cases decided by these officers in the appellate Court; the issue, as it regards three of them is without question unfavorable, but it is to observed in regard to one of the three, Sulamut Alee, that he entered upon judicial duties only in April 1845, and that "the errors in his decisions" are considered by Mr. Lang to have resulted from "his inexperience as a Judge, and not from any want of sound judgment," while, as respects Heyt Loll, who is said to have conducted the duties of his office with perfect integrity, nothing can be added to the remarks recorded in the 117th paragraph of the Court's Report for 1844; it is hoped that with increased experience and more enlarged observation he will eventually prove to be as efficient, as he is admitted to be honest, and disinterested. The character and qualifications of Jugernath, late Moonsiff of Phoolpore, have been already alluded to in a preceding part of this Report under the head of Mynpooree, to which district he was removed at his own request, and where he would seem to have given more satisfaction, than he had before succeeded in doing in subordination to Mr. Lang.

* *v.* Paragraph 99 of last Report.

† *v.* Paragraphs 100 and 117 of last Report.

‡ Of which exparte, ... 488
Confession of judgment, ... 439
927

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Syud Abdoollah, Moonsiff of City, ..	40	28	12	30 ·
Kuramut Alee, Moonsiff of Kydgunje, ..	26	16	10	38 · 46
Sulamut Allee, Moonsiff of Kydgunje, ..	51	26	25	49 · 01
Kanjee Suhae, Moonsiff of Munjunpore, ..	47	27	20	42 · 55
Jugurnath, Moonsiff of Phoolpore, ..	11	4	7	63 · 63
Heyt Loll, Moonsiff of Phoolpore, ..	43	20	23	53 · 48
	218	121	97	44 · 49

97. Since the submission of the last report the jurisdictions of the Moonsiffs' Courts have undergone revision, as reported in my letter, No. 654, dated 5th April 1845, and all the

objects, contemplated in the Resolution of Government dated 30th October 1837 have been accomplished, as far as considerations, connected with the judicial wants of the district, and the convenience of the litigant community, would permit; these jurisdictions do not, it is true, comprise complete Tehseeldaree divisions, or even integral pergunnahs, but this deviation from the rule, which the Government desire to see observed, has been necessitated by the impossibility of otherwise securing an equal distribution of labor.

98. The cost of the several Moonsiff's Courts, as compared with the revenne realized by the sale of Stamps, is represented in the following memorandum,* which is so far satisfactory, that the latter exceeds the former in the sum of Rupees 679 14 6: without intending in this place to revive the oft mooted point of the inadequate allowance, made to these functionaries for the maintenance of their ministerial establishments, the Court desire me cursorily to refer to the 28th and following paragraphs of Mr. Lang's Report, in which the appropriation of a portion of the "*Meeran*," or fourth share of Tullubana receivable by Nazirs appointed under Act XIV. of 1845, to this purpose, is suggested, and to observe, that without an alteration of the present Law the proposal could not be entertained, were it even unobjectionable in principle, which the Court are not disposed to admit; the Judge has been informed, in reference to this point, that, if the amount of Tullubana realized in the Moonsiffs' Courts be more than sufficient to maintain the requisite number of Peons, and to remunerate the Nazirs, it would be more equitable to reduce the rate, than to mulct the community at large for the purpose of supplying a deficiency, which it is the duty of the State to make good. Another device, having for its object the correction of the same evil, and consisting in the supply of Lithographed Forms of notices and proclamations, for the use of the Moonsiffs' Courts, was brought forward by Mr. Lang during the past year, and was negatived† by the Government on the Court's representation, that the expense thus incurred would constitute an indirect augmentation of the allowance, received by the Moonsiffs for establishment and stationery, and that they had consequently hesitated to pass the Indent.

*Moonsiffee.	Cost.			Amount realized by sale of Stamps.		
City, ...	2280	0	0	2793	10	0
Kydgunge, ...	1489	9	6	1672	4	0
Munjunpore, ...	2280	0	0	2591	12	0
Phoolpore, ...	1860	0	0	1351	14	0
	7729	9	6	8409	8	0

† My letter No. 1047, dated 17th June 1845.
Your reply No. 2713, dated 28th idem.

99. It has been intimated to Mr. Lang, with advertance to the 21st paragraph of his report, that the Circular Order on the subject of inspectional tours by the zillah Judges is in its nature rather permissive, than injunctive, and was designed to enable those Officers, *for sufficient reasons duly reported and approved,* to visit the Courts of their subordinates, and that, though the expediency of the established vacations being availed of for the purpose is suggested, the prosecution of the contemplated tour at other seasons which may be found more convenient, is not interdicted; the Court quite agree with Mr. Lang, that *periodical* visits of the nature indicated would be productive of little good, but it is not difficult to imagine the occurrence of circumstances, under which the personal presence of the Judge, and the institution of a local enquiry might be conducive to the discovery of truth, and the correction of error. The Court would lastly, in regard to the question discussed in the 23rd and following paragraphs of Mr. Lang's report, beg leave to refer to the 87th paragraph of their Civil Report for 1843, and the correspondence, which subsequently ensued, as justifying their reluctance to disturb the practice, which has been introduced by Constructions Nos. 935 and 1056, in the distribution of assets among several decree-holders; it may be sufficient to say, that the arguments advanced have failed to convince the majority of the Court, that the instructions in question are either erroneous in point of Law, or practically unjust, and inexpedient. The records of this Judgeship are reported to be in unexceptionable order.

GORUCKPORE.

100. The reduction, effected in the Judicial establishment of this extensive district, was described in the 108th and 109th paragraphs of the Court's last report, and the only object now proposed, in alluding to it is to note, that the interests of the public have not suffered from the change, the business, brought before the several Courts, having been promptly disposed of, and the files left at the close of the year under report in a satisfactory condition. It is true that the arrear on the general file comprised 286 more cases, than were pending at the end of 1844, but of all the 1631 suits, which awaited decision, none were of longer standing than 12 months, and, that the decisions on trial were fewer by 441 than in the preceding year may be explained by the fact of the cases before the Courts having been likewise less numerous by 319, owing, not to a decrease in the income of civil business (for 110 more suits were instituted) but to the comparative smallness of the arrear, remaining over from 1844; the absence of some of the Native Judges* for various periods, in excess of the usual vacations, either on account of private affairs or certified sicknes may have had some effect in diminishing the quantity of business, that might otherwise have been disposed of, and it is not impossible, that the reduction made in the strength of the inferior judicial agency may likewise have contributed in some measure to the same result, but the falling off has not been such as to interfere with the efficiency of the administration, nor is there any thing of a nature to shew, that the Officers engaged have been wanting either in attention, industry or intelligence. On the contrary, the Court see reason to be satisfied with the manner, in which the operations have been conducted and supervised, and desire to commend both Mr. Reade the Judge and his subordinates for the share, which they have respectively taken in the administration during the past year. The only case, of older date than 1845, related to the execution of a decree, and belonged to the file of Ahmud Hussun Khan, the Principal Sudder Ameen; progress was stayed by order of the Sudder Dewanny Adawlut.

JUDGE.

Headings, Nos. 1 to 14	663
,, ,, 15 to 17	4240
	4903

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14	418
,, ,, 15 to 17	414
	832

Ahmud Hussun, Principal Sudder Ameen,	32	days.
Hubeeboollah, Moonsiff, ...	35	,,
Russol Buksh, Moonsiff, ...	21	,,
Doorganarain, Moonsiff, ...	2	,,

101. About 20 days of October excepted, Mr. Reade presided in the Judge's Court throughout the period under review, and, confining himself exclusively to the performance of appellate duties, decided on trial 242 regular suits, and disposed of 609 petitions and applications under the first 14 Headings of the miscellaneous statement, leaving in either department no larger arrear, than might have been expected with reference to the quantity of business, brought before him; it is worthy of notice that the increase of Sessions and Criminal duties was very considerable, whether the number of trials and appeals, or of persons examined be regarded, and that 86 days (or 29 more than in 1844), were consequently occupied in this department, 152 days* only being left available for sittings on the civil side. Regulation VI. of 1832 was not brought into operation. Owing to Mr. Reade's long employment in the Goruckpore District, as Collector, cases were not uncommonly brought before him for trial as Civil Judge, on which in another capacity he had pronounced a judicial opinion, and the point was thought of sufficient importance to warrant a reference to the Calcutta Court, as to the legality of cognizance being taken by him of such cases; setting aside the question of expediency altogether,

NOTE.—4240 orders were also passed under the remaining 3 headings of the Statement, No. 2.

* NOTE.—The Judge was prevented by illness from attending office for 6 days.

the Court argued that legal considerations alone should guide their determination, and they came to the conclusion (in which the Sudder Dewanny Adawlut Lower Provinces concurred) that the Law contained no prohibition against the same individual trying, in the capacity of Judge, cases, which might have been judicially decided by him as a Settlement Officer: Mr. Reade has nevertheless, not unnaturally, in making over Appeals to the Principal Sudder Ameens, "included the cases of those parties, of whose claim he had previous knowledge" excepting those instances, in which the suitors themselves, or their representatives have expressed a wish, that he should himself pronounce judgment; in these and all other Appeals, tried by him, Mr. Reade has pursued the very proper practice of recording in his written decree the points at issue, and the grounds of decision, whatever may have been the order of the Lower Court, truly observing in support of the propriety of this practice, that "the people are not satisfied with a mere affirmation of the latter," "requiring from the judgment in Appeal itself an assurance that the merits of the case have been gone into." The number of applications for foreclosure and redemption of mortgage under Section 8, Regulation XVII. of 1806, was the subject of remark in the Court's last report, (paragraph 105) and Mr. Reade in his present letter again adverts to the point with the view, apparently, of shewing that the attention, bestowed upon it, has had the effect of reducing the number of such applications, and of diminishing at the same time the fraud, practised in the fabrication of the deeds, on which they are founded; to whatever cause attributable, the result is satisfactory, the number of applications having fallen from 452 in 1844 to 284 in the past year, in every one of which the deed was presented, owing, it is said, to the fact, "that the people themselves, and the Vukeels especially, having discovered that non-presentation and non-existence had been in so many cases the same, deemed it preferable to present the deed, and have a signature of its having been presented, placed thereon;" the Court's suggestion, that in all cases of detected forgery a criminal prosecution should be instituted, has been followed in some few instances, and the result has not, it would seem, disappointed expectation. There is nothing else, connected with the business or the practice of the Judge's Court, which calls for remark, except that Mr. Reade has adhered to his predecessor's rule of disposing of the miscellaneous work as soon as possible.

102. Of the two Principal Sudder Ameens, attached to this District, one Ahmud Hussun Khan, was, as noted above, absent on leave for 32 days beyond the customary vacations, the incumbency of the other Ghoolam Mahomed Moostuffa, was uninterrupted; the business, disposed of by each of these functionaries, is exhibited in the following statement, which leaves no room to doubt their industry.

	Regular Suits decided on Trial.			Miscellaneous.	
	Original.	*Appeal.*	*Total.*	*Headgs.* 1 *to* 14.	*Headgs.* 15 *to* 17.
Ahmud Hussun Khan, ...	52	221	273	199	173
Goolam Mahomed Moostuffa,	34	230	264	73	235
	86	451	537	272	408

Of the miscellaneous cases, 155 related to the execution of decrees, 129 having been either completely or partially enforced by Ahmud Hussun Khan, and 26 by Ghoolam Mahomed Moostuffa, neither of whom, it seems to the Court, could have done more, seeing that the aggregate arrear on the regular file comprised but 25, and in the miscellaneous department, 32 cases, of which, as already mentioned, one only was of older date than the period under notice. The Court expressed their inability, in the 106th paragraph of the report for 1844, to offer any opinion in regard to the qualifications of these Officers, owing to the recency of their appointment, but the experience of the past year puts it in the Judge's

power to certify, that Ahmud Hussun Khan has not belied Mr. Pidcock's prediction of his efficiency; his experience is said to be great, "his judgment sound, and his temper, assiduity and patience very commendable," an opinion, which receives corroboration from the fact of all the 13 Appeals against his decisions having ended in their affirmation; the Court would be glad, could they say of the Native Judges generally, as they can, on Mr. Reade's authority, of Ahmud Hussun, that he possesses "a good practical knowledge of the landed tenures, and of the rights and customs prevalent in village communities"—an acquirement, to be wished for in all judicial officers, more particularly in those serving in the Goruckpore district, where property in land, more frequently than in other parts of the country, becomes the subject of litigation. The character given of the second Principal Sudder Ameen, Ghoolam Mahomed Moostuffa is less favorable, but, inasmuch as he is admitted to have possessed "integrity and independence," there is reason to regret his recent demise;* his decisions were upheld in 6 and reversed or modified in 5 out of 11 cases, that were revised by the Judge in Appeal, and the result of miscellaneous Appeals was equally unsatisfactory, owing, it is thought to his "naturally hasty temperament, which suffering and disease have not improved," and to the "defect both in judgment and patient investigation" thereby superinduced; it was the anxious desire of the Court, as intimated in the 106th paragraph of the Report for 1844, to remove Ghoolam Mahomed Moostuffa from Goruckpore, the climate of which was professionally declared to disagree with his constitution, but want of any opportunity, and reluctance to subject another to that, which was known to be generally distasteful, prevented the Court from complying with his repeated request to the above effect.

* *v.* My letter No. 883, dated 15th June 1846.

103. No appeals from the orders of officers, now incumbent, were heard by the Sudder Dewanny Adawlut during the year 1845.

104. Under an arrangement, introduced with the sanction of the Court, and alluded to in the 108th paragraph of the Report for 1844, Abdool Azeez, besides trying the particular suits, referrible under the Law to Sudder Ameens, has been charged with the decision of a portion of the cases, filed in the Court of the City Moonsiff, and acting in this double capacity, determined on trial 211 regular suits, leaving at the close of the year 107 for future disposal: he would seem also to have applied himself with diligence to the miscellaneous branch of work, having brought to decision 505 cases of that nature, after enquiry into the merits; of the latter number 176 related to the execution of Decrees, of which 129 were fully, and 47 partially, enforced. The Court regret, however, to observe, that, whatever credit may be due to Abdool Azeez for zeal and industry, he cannot claim any merit for correctness of judgment, in so far at least as the issue of Appeals tried may be regarded as a test: his orders were approved in 17, and either reversed or modified in 13, out of 30 regular cases, that were revised by the appellate Court, while of 50 decisions in miscellaneous matters, 26 were upheld, and 24 were either altered or altogether cancelled, results, which cannot be pronounced favorable, and which support Mr. Reade's opinion, that his judgments are given without sufficient deliberation, and not infrequently, without sufficient enquiry; the "acuteness and intelligence," however, of Abdool Azeez are said to be "unquestionable," some of his judgments are declared to be "masterly," and his tendency to decide hastily is reported to have been in some degree corrected of late by attention to the Judge's advice and remonstrance.

105. It will be in the recollection of Government, that, though the Moonsiffs of this District were invested with power to hear petty criminal cases, during 1844, the system

(which was looked upon rather as an experiment than any thing else) was not carried into effect until the beginning of the past year: their employment in this manner has been hardly more than nominal, only 82 cases having been tried by the eight Officers collectively, and has not of course interfered with the dispatch of civil business, but it is matter of regret, that their usefulness in this respect should have been circumscribed, and it may be interesting, in another place, to enquire into the cause. As regards the civil branch of their duties, the Moonsiffs have done all that was required, or could reasonably be expected, from them: the number of regular cases, decided on trial, amounted to 2871, 309 were dismissed on default, and 630 were adjusted or withdrawn, but with regard to the decisions on trial (2871) it must be added, that 1278 only were passed in contested suits, 306 having been tried exparte, and 1278 decreed on confession of judgment: on this subject of Ikbaldawas Mr. Reade has explained, that "in pecuniary transactions connected with trade the suit of the creditor, and the confession of the debtor are regarded as, in point of fact, a public, secure, and binding record of an obligation," while in many instances of another description, the suit is brought merely "for the purpose of effecting registry;" for instance "a person sells his Estate to another who sues on the following day, and after a brief interval the seller gives an Ikbaldawa and the case is decided: execution is taken out, and mutation of registry is effected by the Moonsiff's precept to the Revenue Authorities;" this practice, Mr. Reade adds, on the faith of information communicated to him during his tour of inspection, "is preferred as less troublesome and expensive than effecting Dakhil Kharij in the Collector's office," and though possibly collusion may sometimes occur, "the legal remedy is with the party, whom it is the intention of such collusion to injure." Besides the business above described, orders were passed on the merits of 2780 miscellaneous cases, inclusive of 1651 applications for execution of decree, which were struck off, 994 after full, and 657 after partial settlement of the decreed claim, which is enough, without entering into particulars, to shew that this important department has not been neglected: there were, moreover, 1784 applications of this nature, thrown out on failure of the decree-holder to proceed in the matter, and to these cases Mr. Reade has given his attention "under a first impression, that the Native Judges did not shew sufficient consideration, and thought more of clearing their files, than executing their decrees," but subsequent experience convinced him of his error, and led him to call upon the Moonsiffs for a classified return of cases so dealt with, which accompanies this report in original; to that document and to the 23rd paragraph of the Judge's letter the Court beg leave to refer for a clear exposition of the several contingencies, which conduce to the result above mentioned, merely adding on their own part, that under those several contingencies the Moonsiffs could not do otherwise, than strike off the cases from their files. This may perhaps be the most appropriate place to mention, that not only are the Moonsiffs and Tehsildars' offices in juxtaposition, but the former have been provided with suitable and substantial Kucherries, free from the peril of fire, notwithstanding that the whole amount, advanced by Government for this purpose, amounts only to Rupees 150* for the building at Deoreya, and, more recently,† Rs. 52-4-6 for the purchase of the Captaingunje Moonsiff's residence, agreeably to the rule sanctioned by Circular Order No. 1879, dated 20th November last: Mr. Reade appears to be entitled to the thanks of the community for the perseverance, with which he has for a long course of years pursued, and at length accomplished, an object, so highly conducive to their convenience; it will not be thought to detract from the praise, which is due to Mr. Reade, although it may perhaps have facilitated the execution of his design at so little expense to Government, that, lime excepted, every material for building is at Goruckpore procurable by labor, and that much in this way can be done at a very small outlay, if convict labor be available.

* *v.* Your letter No. 1078, dated 14th March 1845.
† *v.* Your letter No. 1782, dated 30th April 1846.

106. The issue of Appeals, as exhibited in the margin,* is not particularly favorable, but the majority of these Moonsiffs were in office, when Mr. F. Currie, a Judge of this Court visited this District on an inspectional tour, and reported highly of their qualifications as a collective body, and Mr. Reade, the present Judge, who has long known most of them individually, ascribes to them, generally, a good character, as well for judicial ability as uprightness and industry; the superiority over others in point of natural intelligence and fitness for their official position seems to be ascribed to Mehndee Hussun, Hubeeboollah, Mehndee Alee Khan and Kureemooddeen, the promotion of the latter to the higher grade being said to have been "fairly earned," while of Doorganarain, whose decease has been lately reported, and Russol Buksh, a more favorable opinion, than that hitherto received, is recorded: the former, though not popular, is said to have been remarkable for industry, undoubted integrity, and an "ardent desire" to give redress, while with regard to the latter it is stated, with special reference to past observations*, that a "decided improvement" has taken place, and may, it is hoped, be progressive: the other two, Reazut Hossein and Serajooddeen are new in judicial office, and from the experience of the past year no conclusions can be drawn. It is thought unnecessary to exhibit in detail the issue of Appeals from the decisions of these Officers in miscellaneous cases, the impression received from the Judge's report being, that it was unfavorable except in the case of Mehndee Hussun the Moonsiff of Captaingunje, and Doorganarain, late Moonsiff of Moonsoorgunje.

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Mehndee Hussun, Moonsiff of Captaingunje, ...	93	56	37	39 · 78
Hubeeboollah, Moonsiff of Bansee, ...	38	25	13	34 · 21
Mehndee Alee Khan, Moonsiff of Khuleelabad,.....	84	53	31	36 · 90
Russool Buksh, Moonsiff of Bansgaon,.....	79	52	27	34 · 17
Doorganarain, Moonsiff of Munsoorgunje and Bilwa Mehwadeh, ...	36	20	16	44 · 44
Reazut Hossein, Moonsiff of Perownah, ...	56	22	34	60 · 71
Seerajooddeen, Moonsiff of Deoreyza Saleympore, ..	41	23	18	43 · 90
Kureemooddeen, Moonsiff of Goruckpore, ...	75	41	34	45 · 33
	502	292	210	41 · 83
By Judge,.....	104	66	38	
By Principal Sudder Ameens,.....	398	226	172	

* *v.* Paragraph 110, Report for 1844.

107. The subjoined comparative statement shews the cost of maintaining the inferior judicial establishments, and the net amount realized by the sale of stamped paper filed in the several Courts:

Moonsiffee.	*Cost of Establishment.*	*Net Amount realized by sale of Stamps.*
Captaingunje, ...	1680 0 0	1912 0 0
Bansee, ...	2175 5 2	2236 0 0
Khuleelabad, ...	1680 0 0	2414 0 0
Bansgaon, ...	1641 11 9	1902 0 0
Munsoorgunje, ...	1830 0 0	1683 0 0
Perownah, ...	1680 0 0	1435 0 0
Bilwa Mehwadeh, (since abolished,)	407 4 8	216 2 0
Saleympore, ...	1680 0 0	2172 8 0
Goruckpore, ...	2030 0 0	2106 2 0
Goruckpore, (since abolished,) ..	242 3 8	0 0 0
	15,046 9 3	16,076 12 0

There is according to this calculation a small balance in favor of Government, but, if the expense of the Principal Sudder Ameen's and the Sudder Ameen's Courts, together with the amount realized from stamps, be included, the net excess will be found to amount to Rupees 12,000, which, the Judge thinks, should be devoted to the remuneration of the Moonsiffs' establishments, whose Government pay is said to be "almost a farce," and whose wants are mainly supplied by suitors in those Courts; this "great reproach" has received notice in another part* of this report, and the Court can add nothing to what has been there said regarding the necessity of doing away with this crying evil.

* *v.* Para. 136.

108. Most of the general subjects, touched upon in Mr. Reade's interesting report, have either been mentioned in preceding paragraphs, or disposed of in the 111th para. of the Court's last report. Mr. Reade's proposals† on the subject of establishing offices in the Mofussil for the registry of deeds will form the subject of a separate address, as soon as the Court receive returns to their Circular ‡ letter of enquiry as to the working of the recent enactments on this point, and the Court may at present be content with stating generally their concurrence in Mr. Reade's views, while in regard to his 21st paragraph it may be enough to state, that the rules, which it describes, have been circulated§ for general observance in all the Civil Courts of these Provinces. It will be seen‖ too that, with the view of enlarging the present accommodation for the records of the Judge's Court, the measures, sanctioned by Circular Order No. 1210, dated 14th July 1845, have been carried into effect, and that the Judge's tour of inspection through the Moonsiffee jurisdictions of Deoorya, Suleympore, Perowna, and Munsoorgunje, has enabled him to collect much information, that might otherwise have been wanting, and to correct some irregularities of record, that might otherwise have remained undetected.

† *v.* Para. 18 of his letter.

‡ *v.* My Docket No. 744, dated 5th May 1846.

§ *v. Government Gazette*, dated 9th June 1846.

‖ *v.* Paragraph 19 of Judge's letter.

AZIMGURH.

109. Notwithstanding a very large accession to the income of civil business in this District, and the unavoidable vacation of the Sudder Ameen's and the two Moonsiffs' Courts for a portion of the past year, as will be hereafter explained, the result of operations, as represented in the statements and the officiating Judge's report, must be pronounced satisfactory, reflecting credit equally upon Mr. Armstrong, who received charge of this Judgeship on the 28th January 1845, and on the subordinate judicial authorities, whose labors it has been his duty to supervise. The number of suits, pending on the several files, when the year 1844 terminated, was larger by 150 than at its commencement, and during the period under review the regular business before all the Courts, owing to an increase of 704 in the number of suits instituted, exceeded that in the preceding year by 854 cases; that the industry of the judicial agency employed, though confessedly unequal to contend with this large increase of work, has been energetic and continuous, is evident from the facts, that the decisions on trial were more numerous by 454 than they were in 1844, that 159 more suits were disposed of otherwise than on trial, and that, when December ended, the arrear, consisting of 1456 regular cases, was larger only by 241, than at a corresponding period of 1844; it should be noted likewise, that this arrear comprised but five cases, of longer standing than a twelvemonth, all of which had been remanded, either to the Judge's or the Principal Sudder Ameen's Court,

JUDGE.	
Headings, Nos. 1 to 14	410
,, ,, 15 to 17	2745
	3155

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14	378
,, ,, 15 to 17	580
	958

one in November, and the remainder in the last month of the year under review, and that the Miscellaneous files shewed no depending business, instituted prior to its commencement. * When it is considered that these favorable results have been effected in spite of many disadvantages, such as the changes of incumbency above noticed, the recent appointment, and consequent inexperience of both the Moonsiffs, and the undue pressure of work on all the members of the judicial agency, it will be admitted, that the commendation, above bestowed upon their exertions, is not unmerited or misplaced. The measures, which have been taken to prevent any undue accumulation of arrear, in consequence of the large increase observable in the income of business, will be adverted to in a succeeding part of this Report.

110. In the Judge's Court 172 days were devoted to the transaction of civil business, and during that period 238* regular suits, of which one only was original, were determined on trial, recourse being had to the agency, provided by Regulation VI. of 1832, in 4 cases, which were without exception adjudicated in accordance with the opinion of the assessors engaged: the restricted operation of this Law in the District under notice is ascribed by Mr. Armstrong, partly, to the reluctance of natives to give their unremunerated aid, and to occupy their time, in the transaction of judicial business, "in which they take no interest, and for which they may incur obloquy," and partly to the fact, that their assistance is but little appreciated by those, "whose interests are at stake." As might have been expected, the arrear of regular cases, at the close of 1845, largely exceeded that represented in the returns for 1844, but this would seem to have been unavoidable, seeing that there was a considerable increase in the number of Appeals instituted, that the Principal Sudder Ameen, being occupied in the execution of decrees, emanating from the Sudder Ameen's Court, (v. para: 114 of Report for 1844), and in the hearing of cases, appertaining to the jurisdictions of the Moonsiffs, which were transferred to him in consequence of the vacancies in those offices, was less able to give efficient assistance in the adjudication of appealed cases, and that sessions and criminal duties engrossed a larger portion of time and attention, than in 1844, when 66 days were found sufficient for their disposal; the chief of these obstacles have now been removed, and the beneficial result, it is hoped, will be apparent at the close of the current year. The miscellaneous work, brought to a close in this Court, comprehended altogether 3155 cases, of which 384, appertaining to the first 14 headings of statement No. 2, and comprising the several important matters noted in the margin*, were decided after investigation of the merits, and at the end of the year but little, unsusceptible of early disposal, encumbered the files of this department. Adverting to the expectation, held out in Mr. Neave's last report, that the state of business would shortly admit of appeals being taken up and proceeded with, as soon as instituted, the Officiating Judge accounts for its not having been realized by referring to the circumstances, which have been above adduced in explanation of the increased arrear on the regular file of the Judge's Court, and the Court see no reason to question the justice of his conclusion on this point. Two (2) Special Appeals, determined by the Sudder Dewanny Adawlut terminated in the reversal of Mr. Armstrong's order, and in the remand of both cases to his Court for re-investigation, or retrial. Mr. Neave's judgment was affirmed in four cases, reversed in one and modified in one, and the remaining two, of 8 cases brought before the Court in Special Appeal, were remanded.

* Mr. R. Neave, .. 4
Mr. Armstrong, .. 234

* Petitions for Summary Appeal, ... 62
Petitions of Appeal under Regulation VII. of 1825, .. 81
Petitions of Miscellaneous and interlocutory Appeal, .. 27
Petitions for the foreclosure and redemption of mortgage, 91
Applicaton for Execution of Decree, ... 12

111. Syud Mahomed Luteef continued without intermission to act as Principal Sudder Ameen during the past year, and evinced creditable diligence in the disposal of 369 regular cases, of which 318, comprising 207 original suits and 111 Appeals from the orders of the Lower Courts, were decided on trial, and in the determination, after full enquiry into merits, of

227 miscellaneous cases, referrible to the first 14 Headings of the Statement No. 2: in addition to the foregoing, the Principal Sudder Ameen superintended the execution of the Sudder Ameen's decrees, until relieved by the present incumbent Kasim Alee on the 16th April, and further, aided the Magistrate by the investigation and trial of 27 criminal cases, and the disposal of a few miscellaneous matters, relating to the same department. It is true, that the Judge of this Court, to whose lot it fell to review the periodical returns from this District, found it necessary on more than one occasion to complain of the Principal Sudder Ameen's dilatory proceedings, and to reprehend various irregularities which they exhibited, going even to the extent of threatening him with their severe displeasure in the event of their recurrence, but the Court would fain hope, that circumstances, calling for a repetition of animadversive notice, may not arise, and in that hope they refrain from detailing the several faults, that were attributed to him, and describing the facts, which seemed at the time to justify their ascription. Mr. Armstrong, in referring to the issue of Appeals from this Officer's decisions, states that with his judgment he has no reason to be dissatisfied, but this opinion hardly consists with the fact, that by Mr. Armstrong himself the Principal Sudder Ameen's orders were reversed in the proportion of 41 . 17 per cent. to the whole number of cases, which were subjected to his revision: the distribution is exhibited in the margin,* and it is curious, as indicating how very unsafe a test of of judicial efficiency is this return, that the largest proportion of reversals should have occurred in suits, which were adjudicated by him as Moonsiff, and which may therefore be supposed to have presented fewer points of difficulty than others, in which his judgment would seem to have been more accurate. Out of 10 appeals (3 regular and 7 special) which were heard and determined by the Sudder Dewanny Adawlut, the Principal Sudder Ameen's order was in 4 affirmed, in other 2 either reversed or modified, and the remaining 4 were sent back by remand for re-trial or re-investigation, but from this return no inferences can be drawn for the obvious reason, that only those applications for Special Appeal are admitted, which bear upon their face evidence of the incorrectness of the Lower Court's judgment, and that the rejection of such a petition is nearly tantamount to an authoritative declaration of its legality. It is proper to add, that the official conduct of Syud Mahomed Luteef would seem to have been exemplary, his attendance regular, his assiduity untiring, and that "no one circumstance, reflecting on his integrity" was brought to Mr. Armstrong's knowledge during the period under notice.

	Tried.	*Confirmed.*	*Reversed.*
* As Prinl. Sud. Ameen,	20	13	7
As Sudder Ameen,	8	7	1
As Moonsiff,	23	10	13
	51	30	21

112. The office of Sudder Ameen was vacant until the 16th April 1845, when Kasim Alee, appointed under the orders of Government, conveyed in your letter No. 1073, dated 14th March 1845, assumed charge, and found the accumulated arrear of some months awaiting disposal. He has evidently applied himself energetically to its reduction, having, during the 8½ months of his incumbency, tried and determined 275 regular suits, at a monthly average of 32, and left for future disposal 277, all of which were of comparatively recent institution; his performances in the miscellaneous branch of work are equally satisfactory, 149 decrees, having, with some assistance from the Principal Sudder Ameen, been carried out to complete execution, and no inconsiderable amount of other miscellaneous business having been disposed of with a promptitude and dispatch, which served to reduce the arrear of this department from 170 cases at the commencement, to 103 at the close, of the year under review. The returns now before the Court, while they bear ample testimony to Kasim Alee's industrious application, afford no means of forming an opinion as to the ability, which he may have displayed in discharging the duties of the superior office, to which he has been recently promoted, for only 2 Appeals from his orders were decided before the end of 1845, but there is every reason to expect that, in the capacity of Sudder Ameen, Kasim Alee will exhibit

the same discrimination, and maintain the same respectability of character, for which, as Moonsiff in the Goruckpore District, he was distinguished; indeed Mr. Armstrong gives encouragement to these expectations by stating that, though he has enjoyed but little opportunity of examining his work, he has seen enough to be satisfied, that no unmerited praise has been bestowed upon him, and that, whether his "clear exposition of the points in dispute," or his record of the grounds of decision be regarded, his proceedings are in themselves sufficient evidence of his efficiency.

113. The two Moonsiffs' Courts were in operation, the one for 11, the other at Ghosee for 10 months, and the Officers presiding in them both entered the judicial branch of the service during the past year: it is deemed, therefore, creditable to them, that, having to contend with their own inexperience, as well as with a very extraordinary influx of business, they succeeded in disposing of 1405 regular suits, and when the year closed left 797 (only 46 more than at the end of 1844) for future decision. Of the above no less than 1015* were decided on trial, whereas in 1844, when the exertions of the Officers engaged were pronounced to be commendable, the decisions on trial did not exceed 658, but there cannot be a question, that their energies have been taxed to the uttermost, and that the strength of the existing agency is unequal to the prompt and efficient disposal of the business, as instituted in these Courts during the past year; to provide for the temporary exigency, the Court have thought proper to appoint an additional Moonsiff to be located at Mahomedabad Gohnah, and to be employed for 6 months in relieving the files of the permanent incumbents in the Moonsiffees of Azimgurh and Ghosee, an expectation being entertained, that by the close of the period above mentioned, the undue pressure of work will have disappeared, or that it will by that time have been ascertained, whether the increased income of business has originated in causes of temporary operation and effect, or whether it is likely to be progressive and permanent; in that case it may possibly be necessary to make a fixed addition to the present judicial establishment of this District. The miscellaneous business dispatched in these Courts consisted of 973 cases of all descriptions, which were decided after investigation of the merits, and included 419 applications for execution of decree, struck off after full enforcement of the claim, besides numerous cases of objections, which are not infrequently perplexing and difficult of satisfactory adjustment. In the margin is an extract from the Appeal statement, from which it may be inferred, that these Officers, though young in judicial experience, have subjected the cases brought before them to careful and patient investigation, and have exercised a fair discrimination in passing judgment upon them. On the whole, there seems every reason to be satisfied with the result of the Moonsiffs' labors, whether the quantity or the quality of the work performed by them be considered, and the Court are disposed to agree with Mr. Armstrong in the opinion, that Wazeer Alum gives promise of judicial efficiency, and that the issue, with which Appeals from the decisions of Dabeedyal, Moonsiff of Ghosee, have been attended, bears creditable testimony to his knowledge of the Regulations, and his acquaintance with the practice of the Courts: both these functionaries are said to have given satisfaction by their conduct, and to bear a good character in the District, to which they are attached.

* Exparte, ... 212
Confession of judgment, ... 133

	Tried.	*Confirmed.*	*Reversed or modified.*	*Percentage of reversals.*
Wuzeer Alum, Moonsiff of Azimgurh,	57	38	19	33 · 33
Debeedyal, Moonsiff of Ghosee,.....	44	31	13	29 · 54

114. In the comparative statement subjoined are exhibited the actual outlay, incurred by the Government in the maintenance of the subordinate judicial establishments during the past year, and the extent, to which it is countervailed by the amount, realized from the sale of stamped paper, filed in these Courts, the latter exceeding the former by rupees 5670-8-0, which will provide more than sufficient funds to meet the expense of the auxiliary agency, which the Court, as above intimated, have deemed it their duty to authorize.

Moonsiffee.	*Cost.*	*Amount realized by sale of Stamps.*
Azimgurh, ...	1680 0 0	5596 0 0
Ghosee, ...	1680 0 0	3434 8 0
	3360 0 0	9030 8 0

The arrangement of Moonsiffee jurisdictions, alluded to in the 119th paragraph of the Court's last report, has been found, the Court believe, to work satisfactorily.

115. It is only necessary to add, that the records of this judgeship are reported to be in good order, and that the anticipated necessity (*v.* para: 120 of last report) of erecting a new and more commodious building for their reception has been for the present avoided by recourse being had to the measure, sanctioned by Circular Order of the Court No. 1210, dated 14th July last.

116. As a diversity of opinion and practice may exist in regard to the value of the stamped paper, used for the engrossing of petitions of Summary Appeal, the Court think it may be useful, to recapitulate in this place the purport of their reply to certain enquiries, made by Mr. Armstrong on this head. The Court on that occasion observed that Construction No. 613 determines the principle, by which the amount of stamp duty, leviable on petitions of Summary Appeal shall be regulated, placing them in the same category with the miscellaneous durkhasts and applications, adverted to in Article 7, Schedule B. Regulation X. of 1829, and that the conformity or non-conformity of such a petition to the requirements of the law, depends upon another consideration, namely, whether the Summary Appeal is preferred under the Provisions of Clause 3, Section 3, Regulation XXVI. of 1814, or under Clause 4 of the same Section and Regulation: in the former case the petition would be inadmissible save on stampt paper of one rupee, while in the latter a duty of 8 annas only would be leviable under the 2nd paragraph of Article 7, Schedule B. Regulation X. of 1829.

JOUNPORE.

117. In the 121st paragraph of the Civil Report for 1844 the increase, which marked the income of civil business during that period, was noticed, and the efficiency of the several tribunals in this District was said to be favorably represented by the results exhibited in the tabular returns, in respect both of the quantity of work dispatched, and of the reduction effected in the amount of long standing arrear. Almost the same terms might be employed to signify the opinion entertained by the Court regarding the operations of the past year, which have been conducted and supervised with a degree of attention, and carefulness, deserving of the Court's approbation. With an increase of 356 in the number of suits brought on the file, and of 286 in the number before the Courts, as compared with the year last reported on, the decisions on trial and otherwise were more numerous by 107, and when 1845 come to a termination the aggregate arrear on the general file comprehended 915 cases, more by 177 than at a corresponding period of 1844; on this ground no blame can be reasonably ascribed to the Officers, who compose the judicial agency of this District, for, though it is the tendency of an increase in the income of business, to a certain extent, to produce an increase in the

JUDGE.	
Headings, Nos. 1 to 14	216
„ „ 15 to 17	4564
	4780

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14	504
„ „ 15 to 17	417
	921

number of decisions on trial, this tendency of course receives a natural check, for there must be a limit to human exertion, as in this District, where the number of suits instituted has arisen from 1901 in 1843, to 2570 in the year under report. The Court observe, too, with much satisfaction, that the arrear above represented comprised but 3 cases, of longer standing than a twelvemonth, all of which had been remanded for retrial by the Superior Courts within the last two months of 1845, while the files of the miscellaneous department presented no cases whatever, indeed the promptitude and efficiency, with which the highly important duty of giving effect to the decretal orders of the Civil Courts has been performed in this district, and the cordiality, with which the revenue authorities have co-operated with the judicial officers, and largely contributed to this end, have more than once formed the subject of commendatory notice during the period under report.

118. With the exception of 23 days, when the Principal Sudder Ameen discharged the current duties, the Judge's Court was administered by Mr. R. J. Tayler, who, confining himself exclusively to the exercise of appellate functions, in which he received efficient assistance from the Principal Sudder Ameen, Kazee Yar Alee Khan, decided on trial 209 cases on the regular file, leaving an arrear of 79 for future disposal, and passed orders on the merits of 4653 miscellaneous cases, of which 188 appertained to the important matters, classified under headings 1 to 14 of Statement No. 2, and comprised among others, 86 petitions of Appeal under Regulation VII. of 1825, a few applications for execution of decree, and 36 petitions from parties, objecting to orders, passed in course of execution; in estimating the amount of work dispatched regard must be had to that, which awaited decision at the close of the year, and was in both departments inconsiderable, and consideration must be given to the heavy pressure of Sessions and Criminal duties, which occupied 119 days (or 12 more than in 1844) as well as to Mr. Tayler's absence on leave, 113 days only remaining available for the transaction of civil business. Regulation VI. of 1832 was practically inoperative in this District during the past year. It may be here mentioned, as connected with the internal economy of the Judge's office, that the systematic arrangement of the records, perfected by Mr. Harington, the late Officiating Judge, is carefully maintained, all incoming papers being adjusted in correspondence with the classification then adopted, and that neither want of accommodation, nor other circumstance, calculated to interfere with the order that has been introduced, is complained of. The correspondence noted in the margin* has reference to a proposal, submitted by the Court, for the elevation of the Head Ministerial Officer of the Jounpore Civil Court to the office of Sudder Ameen, in conformity, as it was thought, with the tenor of instructions of the Hon'ble the Court of Directors in their dispatch dated 31st January 1844, and in pursuance of a precedent, offered by the appointment† of Syud Azeemoollah to a similar post in the Azimgurh District; the Hon'ble the Lieutenant Governor having disallowed the nomination of one, whose services in the judicial department extended over a period of 36 years, and whose ability and integrity of character were testified by Officers of eminence and respectability, and having, moreover, intimated that the instances, regarded by the Court as precedents for their guidance, should be considered strictly in the light of exceptions to the general rule, from which the dispatch of the Honorable Court, as construed by His Honor, authorized no deviation, the Court have, of course, abandoned the practice which they had thought to be consistent with the spirit of the instructions referred to, but they must confess, that they are inclined to regard favorably the extension, to Head Native Officers of the Civil Courts, of the rule‡ which permits the nomination of Law Officers to Moonsiffships, and in cases of peculiar merit, capacity and

* My letter No. 802, dated 30th April 1845. Your reply No. 2173, dated 22nd May 1845. My letter No. 998, dated 4th June 1845.

† *v.* para: 115 of Report for 1844.

‡ *v.* Circular Order, No. 65. dated 23d August 1844: and the correspondence which preceded its promulgation.

long previous experience, to the office of Sudder Ameen, without obliging them to undergo the ordeal of an examination; the opportunities, possessed by the former, of acquiring an intimate acquaintance with judicial law and practice are equal, if not superior, to those, which the latter enjoy, and the effect of the rule would be beneficial in the encouragement, which it would hold out to the ministerial Officers of the Civil Courts, to merit by strict integrity, and propriety of conduct the rich reward, which elevation to a judicial post, and the prospects of further promotion, involve.

119. The Principal Sudder Ameen's Court was in operation throughout the year under report, under charge of Kazee Yar Alee Khan, who is reported to have maintained the reputation, which he acquired in the neighbouring District of Azimgurh; his diligence is shewn by the details, contained in the tabular returns, according to which he decided on trial 312 regular suits, of which 126 were original and 186 Appeals, and determined, after investigation of the merits, 332 miscellaneous cases under Headings 1 to 14 of Statement No. 2, leaving for future disposal, both in the regular and miscellaneous branch of business, fewer cases than were pending on the files at the commencement of the period under notice; 123 decrees were fully executed and 37 partially enforced in this Court, while no less than 158 applications were struck off owing to default on the part of the decreeholder, a circumstance, which was commented on in the 123rd paragraph of the last report, and was attributed to the literal construction and strict application of established rules on this head; whether this method of proceeding will ever induce a greater measure of punctuality and forethought on the part of those, most interested in the execution of decretal orders, may be doubted, so long as the spirit of procrastination continue to characterize the native people, and so long as the re-admission of applications and the revival of measures for the realization of decreed claims, involve but little or no trouble or expense. The services of the Principal Sudder Ameen were not availed of by the Magistrate. In their last report, the Court expressed their inability to deduce from the data before them any conclusive opinion regarding the care and judgment, exhibited by Kazee Yar Alee in the investigation and decision of the matters, submitted to his adjudication as Principal Sudder Ameen, but they had reason to expect, that the qualifications ascribed to him, when Sudder Ameen of Azimgurh, would be called into action in the superior office, to which he had then but recently been advanced, and that he would vindicate the discrimination of the Court in his selection; in this expectation the Court have not been disappointed, for, though his proceedings in one case received animadversive notice from the Judge, on whom the revision of the periodical Statements from this District devolved, they receive with satisfaction Mr. Tayler's assurance that Kazee Yar Alee is much respected by all classes, and that "his decisions have generally given satisfaction." His judgment was affirmed in 20 out of 30 cases (66·65 per cent) that underwent the Judge's revision in Appeal, and of 5 cases, that came before the Sudder Dewanny Adawlut, 2 in regular and 3 in special Appeal, two terminated in the modification of his order, and the remaining 3 were sent back by remand.

120. Five Special Appeals from the Judge's Court were heard by the Sudder Dewanny Adawlut, who confirmed his decision in one, reversed it in another, and sent back the other 3 cases by remand—results, not very favorable.

121. Before proceeding to exhibit in detail the performances of the Moonsiffs during the past year, it may not be thought irrelevant to observe, that of 2034 brought on their files within the period indicated, no less than 1065 related to land rent and to claims for the possession of real or landed property, a class of cases, which are admitted to present questions of greater intricacy and importance, than any other, and call for the exercise of more judgment

and the application of more extensive knowledge, than the petty commercial transactions, which compose the great mass of litigation in the inferior Courts of this country. If the diligence and activity of the four Moonsiffs in 1844 merited commendation, they must likewise be considered entitled to credit for their exertions during the year, which has expired, having, in trying and deciding 1442 regular suits, and disposing of 1587 miscellaneous cases after investigation of the merits, considerably exceeded their performances during the year 1844; the aggregate of regular decisions on trial, of which, it should be noted, a smaller proportion than is elsewhere usual were adjudicated exparte,* or on Ikbal-Dawa,† yields an annual average of 360 to each Officer, an average, which has been largely surpassed by Syud Bundeh Alee the 2nd Moonsiff of Jounpore, who is indebted for this superiority rather to adventitious circumstances, than to the possession of greater official aptitude; the other functionaries of the same grade, having less business brought before them, have done less, but they have kept pace with the work requiring disposal at their hands, and have succeeded in exhibiting files free from old cases. In these tribunals 388 decrees were fully enforced, and 187 others partially executed, while 592 applications, filed with the object of procuring a settlement of adjudicated claims, were struck off on failure of the decree-holder to proceed in the matter. As the several individuals, whose past services and official character received detailed notice in the reports for 1843 and 1844, are still incumbent, and as no circumstances of a nature to affect in any material degree the Court's estimate of their merits and qualifications have been brought to notice, it is thought sufficient to insert in the margin‡ a statement, shewing the issue with which 351 Appeals, adjudicated by the Judge and Principal Sudder Ameen, were attended, merely remarking that the singular diversity of result observable between the proportion of orders reversed by the Judge, as compared with the proportion of those, similarly dealt with by the Principal Sudder Ameen, must, in the absence of explanation, detract from the value of this document, as a test of judicial capacity: repeated and importunate applications, submitted by Syud Bundeh Alee for advancement to the superior grade have been rejected, on the ground that, while there are two unpromoted Moonsiffs in the District, to which he is attached, both senior to him in service, and not inferior in qualifications, he can have no just cause of complaint; the Court, having already expressed‡ their deliberate opinion in regard to the claim, advanced by Kazee Zeeaoollah, and adverted to in the 18th paragraph of the Judge's report, see no necessity for troubling the Government with further comments; it must rest with His Honor to determine, whether the principle advocated by the Court, and the rule founded upon it, shall be upheld, or whether, the native Judicial Officers shall be suffered to indulge their caprice in the acceptance or rejection of proffered promotion, according as the locality, to which under such promotion they must proceed, is remote from, or in the neighbourhood of, their homes; until otherwise advised, the Court propose to maintain the rule, by which they have been hitherto guided on this head.

* 294
† 253
547

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
‡ Kazee Zeeaoollah, Moonsiff of Jounpore,	88	62	26	29·54
Syud Bundeh Alee, 2nd Moonsiff of Jounpore, ...	85	56	29	34.11
Mahomed Fuzloollah, Moonsiff of Mutchleeshehur, ...	89	65	24	26·96
Moolvee Moorad Alee, Moonsiff of Moofteegunje, ...	89	68	21	23·59
	351	251	100	
By Judge, ...	165	143	22	13·33
By P. S. Ameen, ...	186	108	78	41·93

‡ *v.* Para. 126 of Report for 1844.

122. The cost of the Moonsiffs' establishments, and the amount realized by the sale of stamps, filed in the several Courts, are placed in juxtaposition in the subjoined statement:

Moonsiffee.	*Cost of Establishment.*			*Amount realized by sale of Stamps.*		
1st Moonsiff of Jounpore, ...	2280	0	0	....	1395	2 0
2nd Moonsiff of Jounpore, ...	1680	0	0	....	1827	14 0
Moonsiff of Moofteegunje, ...	1680	0	0	....	1353	0 0
Moonsiff of Mutchleeshehur, ...	1680	0	0	....	1325	4 0
	7320	0	0	....	5901	4 0

The jurisdictions of the Moonsiffs have not yet undergone revision.

123. No other incident, which has been brought to the knowledge of the Court since the date of the last report, calls for particular notice: it will be seen that the operations of the past year have been well and carefully supervised by Mr. R J. Tayler, and that the exertions of the subordinate Judicial Officers have been such as to merit encouragement and praise.

MIRZAPORE.

124. The general aspect of business in this district is sufficiently satisfactory, for, though the decisions on trial were fewer by 116 than in the preceding year, the falling off is in some degree accounted for by a diminution of 35 in the number of cases before the Courts, and is compensated by the disposal of 46 more suits, otherwise than by orders on the merits, so that at the close of the period under report the depending arrear exceeded that, which awaited disposal at the end of 1844, by 35 suits only; the best proof, however, of the exercise of commendable assiduity is to be found in the fact, that all the suits, which remained for future decision, were of recent institution, none having been on the file for more than a twelvemonth, and that the duties of the miscellaneous department have been efficiently conducted, may be inferred from the limitation of long standing cases to two applications for execution of decree, appertaining to the Courts of the Judge and the Moonsiff of Mirzapore, neither of whom, under the explanation offered, can be considered obnoxious to blame for their protraction; the arrear in this branch of business is larger than at the end of 1844, but the increase is principally observable in the Moonsiffee of Kuchwa, which was vacant until the 8th April, when the present incumbent was put in charge, subject to the approval of the Sudder Dewanny Adawlut, by whose order he was subsequently, under date 10th May, confirmed in this appointment; the increase of arrear, however, is too inconsiderable to need further notice.

Judge.	
Headings, Nos. 1 to 14	366
„ „ 15 to 17	1119
	1485

Principal Sudder Ameen.	
Headings, Nos. 1 to 14	492
„ „ 15 to 17	744
	1236

125. Mr. A. P. Currie, who was uninterruptedly in charge of this district throughout the past year, was enabled, notwithstanding his occupation for 45 days in Sessions and Criminal duties, and the allotment of 40 more to the hearing and determination of Appeals from the decisions of the Moonsiffs, located in the Family Domains of the Benares Raja, to dispose of all the regular cases on his file, excepting 18, which were instituted for the most part within the last three months of the period under review, and to pass orders on the merits of 325 miscellaneous cases nnder Headings Nos. 1 to 14 of Statement No. 2, the various matters, enumerated in the margin,* being included in the latter item; the determination, therefore, of 123 Appeals from the decisions of the subordinate judicial Officers, however numerically

* Certificates &c. under Act XX. of 1841. 71
Petitions for summary Appeal, ... 18
Petitions of Appeal under Regulation VII. of 1825, ... 37
Miscellaneous and interlocutory Appeals, ... 29
Petitions from Paupers. 51

small, could not, obviously, have been exceeded, and credit must not, on account of that numerical deficiency, be withheld from Mr. Currie, whose personal industry has been quite commensurate with the necessity for its exercise, and whose supervision of the Lower Courts has been active and effective. The Court are gratified to observe, that the Judge has been relieved from the duties, connected with the Family Domains of the Raja, which were imposed upon him by the Resolution of Government dated 6th April 1843, the office of Superintendent having been apparently revived, and that his undivided attention may now be given to the improvement of the Civil and Criminal administration in the District committed to his charge; Regulation VI. of 1832 was not practically in operation during the past year, the reasons assigned by Mr.Currie for not employing the Agency, which it permits, being similar to those urged by him in former Annual Reports.

126. Of 11 cases, heard by the Sudder Dewanny Adawlut in Appeal from Mr. Currie's Court, his judgment was affirmed in 3, and reversed in 1, and the remainder were sent back by remand for re-investigation or retrial.

127. The expectations entertained of Mr. Campier, the Principal Sudder Ameen, on his translation to this District have not been disappointed; though disposing of business with less expedition than many other Officers of his grade, he is said to be conscientious and painstaking, and peculiarly well fitted, by the strict integrity of his character, for the Office of Principal Sudder Ameen at Mirzapore; the income of regular business is not considerable, and Mr. Campier is able to dispose of it with sufficient promptitude to prevent the accumulation of arrear, without at the same time neglecting the important duties of the miscellaneous department. It thus happens, that, though no more than 134 original suits were brought to decision in this Court after investigation of the merits, the file at the close of the year exhibited only 72 cases awaiting a final order, all of which had been instituted since its commencement, when the depending arrear amounted to 94 cases: in the miscellaneous branch also, Mr. Campier's industrious exertion is testified by the investigation and decision of 1143 cases and petitions, of which 436 appertained to the first 14 Headings of Statement No. 2, and comprised, among other matters, the full or partial enforcement of 188 decretal orders, and the disposal of 202 petitions of objections, brought forward in course of execution, and it reflects credit on the Principal Sudder Ameen, that when December ended, there were no matters of long standing, remaining for future determination. In touching upon the result, with which Appeals from Mr. Campier's orders were attended during the year 1844, the Court remarked* that there was "no reason to question the labor and care bestowed by him on the investigation of the cases, referred to his Court for adjudication," but that the imperfection of his judgment must be ascribed to some mental defect: whether this conclusion be correct or otherwise, may be doubted, but certain it is, that it is not borne out by the experience of the past year, during which the paucity of Appeals instituted (24) is no less creditable, than the mode, in which they terminated, no ground having been found for interfering with his judgment in 12 out of 18 cases, revised by the Judge, or 66·66 per cent: his orders were modified in the only 2 Appeals, which came before the Sudder Dewanny Adawlut during the period under review.

* *v.* Paragraph 141 of Report for 1844.

128. As incidentally noticed in a preceding paragraph of this Report, one of the three Moonsiffs' Courts, which compose the inferior judicial establishment of this District, was vacant until the 8th April, on which date Heera Lall, the newly appointed incumbent, joined his Office at Kuchwa, and the Court would be glad if to this interruption they could reasonably attribute the falling off in the quantity of work brought to conclusion in these Courts but there is no ground for such a supposition, seeing that 81 cases constituted the whole arrear, depending on the regular file of the Kuchwa Moonsiff at the close of the period under

notice; it would seem, rather, that Mr. McGowan, the Moonsiff of Mirzapore, though not, perhaps, actually remiss in the discharge of his duties, has been less diligent than in preceding years, having fallen short, in the number of his monthly decisions, of the fixed numerical standard, and permitted an accession of 44 cases to the arrear on his file, as compared with its condition at a corresponding period of 1844. The work disposed of by these three Officers collectively, comprehends the determination, after trial, of 726 regular suits, at an average of 242 to each; and the decision after investigation of the merits, of 743 miscellaneous cases, but it is to be remarked that of the former, 449 only were contested suits, 53 having been tried exparte, aad 224 brought to a close on confession of judgment; the proportion of cases thus disposed of being smaller than that, noted in the 133rd paragraph of the last Report, leaves the number of judgments, passed after examination of the pleas urged by both parties, somewhat in excess of those similarly adjudicated in 1844, a fact, which affords a better and more equitable criterion of the industry actually applied to this branch of business than any other. 292 decreed claims were completely satisfied, and 122 others were partially settled in these Courts, Mr. McGowan, as in other years, excelling the other functionaries of the same grade in having disposed of 238 of all the applications, struck off under those two conditions, but this superiority is traceable to his location in the City, and the institution of more business of this nature in his Court, than in the other Moonsiffees, for of the 188 cases, which were undecided at the close of the year, 70 or nearly 2-5ths appertained to his file. In the marginal memorandum is exhibited the issue of such Appeals from the Moonsiffs' Courts, as went to decision in the local appellate tribunals, and, whether collectively or individually considered, it must be admitted to represent the judgment of the several Officers concerned in a favorable light, the more so, as the two incumbents in the Chunar and Kuchwa Moonsiffees have had but little judicial experience, and might have been excused, if they had erred more frequently in judgment, than they would appear from this result to have done: nor is it less creditable to these Officers, that, though they passed orders on the merits jointly of 304* contested actions, no more than 24 Appeals were preferred from their decisions, which may therefore be inferred to give very general satisfaction to the litigant community.

	Tried.	*Confirmed.*	*Reserved or Modified.*	*Percentage of reversals.*
Mr. McGowan, Moonsiff of Mirzapore,	60	46	14	23.33
Mr. Garland, Moonsiff of Chunar,	16	13	3	18·75
Heera Lall, Moonsiff of Kuchwa,	8	8	0	0.

* Mr. Garland, 123
Heera Lall, 181

129. The subjoined statement exhibits the outlay incurred by Government in the maintenance of the inferior judicial Establishment of this District, as compared with the amount, realized by the sale of stamped paper, filed in these Courts, which falls short of the former in the sum of Rupees 1265 15 4.

Moonsiffee.	*Cost of Establishment &c.*	*Amount realized by sale of Stamps.*	
Mirzapore, ...	2280 0 0	2071 0 0	
Chunar, ...	1680 0 0	1083 0 0	
Kutchwa, ...	1433 3 4	973 4 0	*Difference*
	Rs. 5393 3 4	412 4 0	1265 15 4

It will be observed, however, that the income of business in the Chunar Moonsiffee is on the increase, and there is every probability that this increase will be progressive, seeing that the extensive tract of country, comprised within the jurisdiction of this Court, though at present

thinly populated and cultivated, possesses capabilities of improvement and natural resources, which time and the influence of a good administration will gradually develope. Since the commencement of this year the jurisdictions of the Moonsiffs' Courts have undergone revision, as reported in my letter No. 559 dated 13th April last, and, though they do not exactly correspond with the fiscal divisions of the District, the arrangement, it is hoped, will fulfil all the objects proposed by the Resolution of Government dated 30th October 1837; its main features consist in the annexation of the Shahgunje and Chunar Tehseeldarees to the jurisdiction of the Chunar Moonsiff, in the partition of the Huzoor Tehseel between the Moonsiffs of Mirzapore and Kutchwa, and in the removal of the latter tribunal to the City, where it will be more accessible to suitors, than was its former transgangetic locality, and where its operations will be more easily and closely supervised, owing to the proximity of the local Appellate Court.

130. In conclusion the Court have much satisfaction in reporting, that with the aid of the Ministerial Officers of the Lower Courts, and without any other expense, than that incurred in the preparation of racks "the records of this Judgeship have been redeemed from a state of utter confusion" (*v.* Appendix F. to Civil Report for 1841) and are now "in excellent order:" Mr. A. P. Currie is thought by the Court to merit much praise for his prompt and thoughtful application of available means to the accomplishment of this tedious undertaking.

BENARES.

131. The 137th paragraph of the Court's Report for 1844 was devoted to an examination of the condition of the general file, in respect of cases older than a twelvemonth, as compared with the results exhibited in the Statements of preceding years, and commented in terms of commendation on the great improvement, which appeared to have been effected by the exertions of the subordinate judicial agency, and the supervision maintained by Mr. D. B. Morrieson on their acts. The Court have no reason to suppose, that during the past year the industry of the former has been incommensurate with the necessity for its exercise, or that the controlling authority of the latter has been less vigorously exerted, but in both the Principal Sudder Ameen's Courts, and in the Courts of the Moonsiffs collectively the arrear is shewn to have been larger at the close, than at the commencement, of the year under report, notwithstanding that the suits before the several tribunals were less numerous by 356, than in the preceding year: the decisions on trial are found to have been fewer by 470, a diminution of 24 being likewise apparent in the number of cases otherwise disposed of, and the effect is shewn by the accession of 138 suits to the arrear on the general file, as compared with its condition at the close of 1844. This result, less favorable perhaps than that represented in the 137th paragraph of the last report, may be ascribed partly to the vacation of the Additional Principal Sudder Ameen's Court for nearly four months, owing to the incumbent's ill health, and partly to change in the constitution of the subordinate judicial agency under circumstances, which will be explained in a subsequent part of this report, but whatever the cause, the falling off in the quantity of work is hardly more than in due proportion to the decrease in the income of Civil business, and is abstractedly so small as to afford no ground for apprehension as to the future efficiency of the administration, or for the imputation of remissness, collectively, to the Officers engaged. When the period under notice closed, the arrear of longer standing than a twelvemonth consisted of 4 regular suits, all of which had been remanded to the Principal Sudder Ameen's file within the last 2 months of

JUDGE.		
Headings, Nos. 1 to 14,	..	618
„ „ 15 to 17,	..	5151
		5769

PRINCIPAL SUDDER AMEEN.		
Headings, Nos. 1 to 14,	..	1147
„ „ 15 to 17,	..	852
		1999

* Judge.	2	Heading 11.
Principal Sudder Ameen,	3	Heading 17.
Addl. Princl. Sud. Ameen,	8	Headings 6. 10. 1317.
Moonsiff of Serai Moghul,	1	Heading 1 statement No. 3.
	14	

the year, and of 14* miscellaneous cases, but two of which related to the execution of Decretal orders: some of these have been determined since the commencement of the present year, and others were prolonged beyond the period of a twelvemonth by the necessary observance of legal requirements; in some few instances needless delay is imputed, and justly imputed, to the additional Principal Sudder Ameen, but it is not of a nature to call for detailed remark or for any expression of the Court's displeasure. Although, therefore, the old arrear of the miscellaneous department was numerically larger at the close of 1845, than at a corresponding period of the preceding year, its character and condition were not such as to detract from the credit, which is due equally to the several judicial Officers employed for their activity and diligence, and to Mr. Morrieson for his careful and efficient supervision.

132. The Judge's Court was administered uninterruptedly by Mr. D. B. Morrieson until the 15th November, when he was relieved, on his removal to the Office of Commissioner, by Mr. Rivaz, who, together with his Report and the prescribed Statements, has submitted a minute, left on record by his predecessor, to which the Court in noticing the performances of the uncovenanted judicial Officers, and commenting on their character and conduct will frequently have occasion to advert. During 170 days, that were devoted to the duties of the Civil Court, 200 regular suits, all, save one, Appeals, were brought to decision on trial, 188 by Mr. Morrieson, and 12 by his successor, and in the miscellaneous department 352 cases and petitions under the first 14 Headings of Statement No. 2, were disposed of by orders on their merits, in addition to numerous matters, classified under the remaining headings of the same Statement. In connection with this subject it may be right to mention, that an erroneous practice of transferring interlocutory and miscellaneous Appeals to the Principal Sudder Ameen for adjudication, was incidentally brought to the knowledge of the Court, and promptly corrected, the opportunity being taken to point out the principle, by which the Court were guided in giving effect to the provisions of Section 8, Act XXV. of 1837, under which the Sudder Dewanny Adawlut are empowered to make over to the Principal Sudder Ameens "any Civil proceedings miscellaneous or summary," from the files of the Zillah or City Judge, with this condition attached, that "an Appeal from the order of the Principal Sudder Ameen in such cases shall lie in the first instance to the Zillah or City Judge, and specially to the Sudder Dewanny Adawlut;" it was noted, in addressing Mr. Morrieson, on this subject, that the cases, declared by Circular Order No. 148 dated 10th April 1841, to be transferrible to the Principal Sudder Ameens, were of a primary or original character, and that all matters, partaking of the nature of Appeals, were advisedly excluded for this obvious reason, that, were they to be decided by a Principal Sudder Ameen, either the requirements of Section 8, Act XXV. of 1837, as above recited, could not be observed, or the legal anomaly of a third Appeal would be necessitated. In order to obviate the recurrence of such an error as that noticed, a modified Form of the miscellaneous Statement, together with instructions for the guidance of the Judges in the transference of miscellaneous and summary proceedings to the Principal Sudder Ameen, has been recently, 27th December 1845, prescribed. The quantity of business dispatched in this Court, is considered creditable, with special reference to the reduction of the depending arrear in both departments, to the vigilant controul exercised by Mr. Morrieson over the acts of his subordinates, and to his occupation for 65† days in other than the duties of the Civil Court. Two suits, in the hearing of which Assessors were associated with the Judge under the provisions of Regulation VI. of 1832, were decided in accordance with their opinion.

† Mr. Morrieson was engaged in the Committee of Examination of Candidates for Moonsiffees,	3
in Miscellaneous, Sessions and Criminal duties, he was occupied 43 and Mr. Rivaz 19 days,	62
	65

133. The Sudder Dewanny Adawlut modified Mr. Morrieson's judgment in one out of two cases, that came before them in special Appeal, and remanded the other for re-investigation or re-trial, after restoration to its original number on the file.

134. In the 141st paragraph* of the last report allusion is made to certain correspondence regarding the proposed reduction of the judicial establishment at Benares, by the abolition of the Additional Principal Sudder Ameen's Court, and the substitution of other arrangements, equally calculated to secure the prompt and efficient administration of justice, and the experience of the past year has only served to confirm the correctness of the opinion, entertained by the Court and the local authorities on this subject. The following tabular statement, in which the quantity of work instituted, pending and disposed of in the Courts of the Principal Sudder Ameen, and Additional Principal Sudder Ameen, is entered, will serve to shew, that no inconvenience has resulted from the absence of the latter for a period of nearly four months, and may be thought to justify the inference, that the retention of the Additional Principal Sudder Ameen's office now, that the circumstances which originated its institution have ceased to exist, imposes a considerable expense upon the Government without any commensurate advantage to the people.

* *v.* Your letter No. 915, dated 7th March 1845, and preceding correspondence.

Statements of regular, and miscellaneous business, instituted, pending, and disposed of in the Courts of the Principal Sudder Ameen and Additional Principal Sudder Ameen of Benares.

	Regular.					Miscellaneous.					
						Headings 1 to 14 Stat. No. 2.			Headings 15. 16 & 17.		
	Before the Court.	*Decided on trial.*	*Dismissed adjusted and withdrawn.*	*Total.*	*Pending.*	*Decided on merits.*	*Struck off.*	*Pending.*	*Decided on merits.*	*Struck off.*	*Pending.*
Principal Sudder Ameen,.....	293	176	41	217	76	425	129	174	298	32	39
Additional Principal Sudder Ameen,	152	59	8	67	85	253	60	124	425	9	53
Total,....	445	235	49	284	161	678	189	298	723	41	92

It seems only requisite to remark in regard to the foregoing memorandum, that the majority of the regular cases disposed of in these Courts were original suits, the income of Appeals not having been sufficiently large to call for the constant aid of the Principal Sudder Ameen in their adjudication, and that the miscellaneous business dispatched comprised 303 applications for execution of decree, struck off, 199 by the Principal Sudder Ameen, Mahomed Jumeelooldeen Khan, and 104 by the Additional Principal Sudder Ameen, Dyaram Pundit, after either full or partial enforcement; in neither department was the arrear considerable, or of a nature to interfere with the impression, which the Court have conceived, of the practicability of abolishing the Additional Principal Sudder Ameen's Court without any detriment to the public interests. Moulvee Mahomed Jumeelooddeen Khan receives Mr. Morrieson's commendation for his exertions "in wiping off old suits," for the regularity of his attendance at office, his docility and the general correctness of his behaviour, and is reported, moreover, to have corrected in a measure his objectionable propensity to come to a decision without the deliberation, which is so essential to judicial efficiency; it may be questionable, whether this conclusion is corroborated by the marginal note of Appeals from decisions, passed by him in his capacity of Principal Sudder Ameen and Sudder Ameen

Tried.	*Confirmed.*	*Reversed or modified*	*Percentage of reversals.*
41	25	16	39.02

but the issue of Appeals is avowedly an unsafe test of judicial ability, and the Court would prefer to abide by the opinion, which Mr. Morrieson has formed after careful examination of the Principal Sudder Ameen's proceedings, and a close observation of his official conduct; his integrity is unimpeached, and that is in itself a recommendation, that cannot be too highly appreciated. Pundit Dyaram, who was selected for the post of additional Principal Sudder Ameen on the removal of his predecessor Mr. Campier to Mirzapore, arrived at Benares but a few days before the beginning of the year under report, and was compelled by failing health to absent himself from the 22nd July to the 14th November; of his efficiency as a Judge the marginal note conveys no very favorable impression, but his conduct is said to have been "correct and exemplary," and the high character, which he enjoyed as Sudder Ameen and Moonsiff of Bijnore, is thought to be unimpaired; there is reason, however, to believe, that the Pundit is beginning to feel the infirmities of age, and will hardly be able much longer to render efficient service; it is in contemplation, as the Government are aware, to remove him, on opportunity offering, to another jurisdiction, and then to bring under reconsideration the revision of the judicial agency in this District. Both these functionaries, it is proper to add, were more than once censured for delays and irregularities, which were thought by the Judge, who revised the periodical statements from this District, to be attributable to carelessness, and inactivity.

Appeals Tried.	*Confirmed.*	*Reversed or modified.*
13	7	6

135. In adjusting the jurisdictions of the Moonsiffs' Courts, subordinate to this Judgship, agreeably to the principles laid down in the Resolution of Government dated 30th October 1837, it was proposed by Mr. Morrieson to abolish the office at Mehndooadeh, and to include the tracts, heretofore forming that jurisdiction, in that of Chandnee Chowk: these changes, as sanctioned by the Court and reported to Government in my letter No. 1265 dated 24th July last, were carried into effect about the middle of the year, and on the 11th of August the Moonsiffee of Mehndooadeh ceased to exist, the regular and miscellaneous cases, then pending, being transferred to other Courts; the subordinate agency on its former footing was in operation for little more than 7 months, and during the remainder of the period under report four Moonsiffs, holding Court at Jugutgunje, Chandnee Chowk, Serai Moghul and Secrole were actively employed. It is probably ascribable to these changes, and to the difficulties, which the introduction of all changes more or less involves, that the performances of these Officers collectively fall far short of what was accomplished in 1844, and that, notwithstanding the diminished income of business, the arrear, both in the regular and in the miscellaneous department at the close of 1845, exceeded that, which at a corresponding period the general files of these Courts exhibited. The business transacted in these Courts comprehended the decision on trial of 1355 regular suits, [of which 268 were tried exparte and 211 were decreed on confession of judgment] and the disposal, by an order on the merits, of 1956 miscellaneous cases, inclusive of 492 decrees completely, and 158 others, partially executed, results, which, though they might certainly have been exceeded without difficulty, cannot be pronounced positively unfavorable; while Doobey Joulapershad, the Moonsiff of Juggutgunje has, as heretofore, surpassed his brother Officers, and exceeded the prescribed minimum of annual decisions, Benee Loll, the Moonsiff of Chandnee Chowk has barely attained to it, and the other Officers, located at Secrole and Moghul Serai have fallen far short of it, and, reference being had to the number of cases, which awaited decision at the end of 1845, there may be reason to conclude, that their failure to approximate more closely to the fixed standard was not altogether unavoidable. With the exception of Hussun Ruza Moonsiff of Secrole, with whom Mr. Morrieson would seem to be not quite satisfied, and of Inayut Hussun, lately transferred from Mendooadeh to the Mynpooree District on the abolition of his office, all the judicial officers of the lowest grade are mentioned by Mr. Morrieson in terms, which convey a favorable opinion, generally, of their official character and conduct, but Benee Loll, the Moonsiff of Chandnee Chowk, the Court regret to

observe, is complained of as becoming careless, and being disposed rather to cavil at instructions issued to him than to obey them, propensities, which it will behove Mr. Rivaz to check in the most prompt and peremptory manner, before they get beyond the bounds of correction. During the past year 173 Appeals from these Courts were adjudicated by the Judge and Principal Sudder Ameens* with a result, which taken collectively, cannot be pronounced to represent the judicial ability of the several functionaries concerned in a favorable light, [reversals bearing a proportion of 45·08 to the whole number tried,] and which is inferior to the issue observed both in 1843 and 1844; an exception, however, should be made in favor of Joolapershaud, to whose reputation the paucity of Appeals instituted is no less creditable, than the result of those tried, and whose advancement the Court will endeavor, on the earliest occasion that may offer, to further; Kazee Furzund Alee has maintained the respectability of character ascribed to him by Mr. Morrieson, and adverted to in the 144th paragraph of the last report, and in estimating his qualifications, as inferrible from the Appeal Statement, it must always be remembered, that the suits commonly instituted in his Court relate to property in land, and involve questions of greater intricacy and difficulty, than cases connected with petty commercial transactions, which usually form the staple of work in a Moonsiff's Court.

	Tried.	*Confirmed.*	*Reversed.*
* Judge, ...	127	63	64
Principal Sudder Ameen, ...	36	24	12
Additional Principal Sudder Ameen, ...	10	8	2
	173	95	78

	Confirmed.	*Reversed or modified.*
† Joolapershad, Moonsiff of Juggutgunge, ...	7	2
Benee Loll, Moonsiff of Chandnee Chowk, ...	20	13
Furzund Alee, Moonsiff of Moghul serai, ...	9	6
Hussun Ruza, Moonisff of Secrole, ...	38	44
Inayut Hussun, Moonsiff of Mehndooadeh, ...	21	13
	95	78

136. The Court know not, that any other circumstances, connected with the Civil administration in Benares, call for special notice at their hands; in the margin is a comparative statement exhibiting the cost, during the past year, of the subordinate judicial establishments, and the amount realized by the sale of stamped paper, used in the several Courts, but it suggests no remark, save that possibly in the current year, owing to the reduction of expenditure by the reduction of one Moonsiffee, there may be a difference in favor of the Government. In the 23rd paragraph of his report, Mr. Rivaz reverts to the insufficiency of the allowance, received by the Moonsiffs for the support of their ministerial agency, an evil, the correction of which the Court have ventured more than once to urge on the consideration of Government in the strongest language, but which still remains uncorrected, a reproach to the Government, and a stumbling block of offence to all, who are interested in raising the respectability of the judicial office, and in promoting the welfare of the civil administration. The progress made in the arrangement of the records having been but very recently reported* to Government, it may be sufficient to note in this place, that the undertaking would seem either to have been more onerous than was at

Moonsiffee.	*Cost of Establishment.* Rs. A. P.	*Amount realized by sale of Stamps.* Rs. A. P.
Juggutgunge, ...	1680 0 0	1548 12 0
Chandnee Chowk, ...	1680 0 0	2024 6 0
Serai Moghul, ...	2280 0 0	1180 8 0
Secrole, ...	1680 0 0	1136 8 0
Mehndooadeh up to 11th August 1845,	1029 10 3	293 8 0
	8349 10 3	6183 10 0

* *v.* My letter No. 526 dated 6th April 1846, and enclosures.

first anticipated, or to have proceeded towards completion with less rapidity, than might have been desired, seeing, that although the whole sum, sanctioned by Government for this purpose, has been expended, little more than half the work has been accomplished; it is hoped, that Mr Rivaz may not be left without the means of finishing that, which has been hitherto successively conducted by his Predecessor, at an expense, which will have been fruitlessly incurred, if the work be now suffered to remain incomplete. I am directed to refer for full particulars of Mr. Morrieson's proceedings and intentions in this matter to the closing paragraphs of his minute, which is submitted together with the Report of the Officiating Judge and is deserving of perusal.

GHAZEEPORE.

137. It is with much gratification, that the Court proceed to report on the operations of the Civil Courts in this District during the past year, and to notice with praise, the zealous exertions of Mr. Heyland for the promotion of the important interests, committed to his charge. An increase in the number of suits instituted, to the extent of 502, as compared with 1844, has been met by a corresponding increase in the amount of work dispatched, the expedition, which was so marked a feature in the administration of 1844, has been maintained without any sacrifice, it is believed, of the deliberation and research which judicial business demands, and, so far as the Court are enabled to form a judgment from the papers before them, the system has been brought as nearly to a state of perfection, as the character of the agency available will permit. Owing to a decrease of 160 suits on the general file, at the end of 1845, as compared with its condition at a corresponding period of the preceding year, there were but 342 more suits before the Courts awaiting disposal, but the decisions after trial were more numerous by 161, and therefore the depending arrear exceeded that of 1844 by no more than 186 cases, all of which excepting 3, had been instituted within the last six months of the period under report. When it is considered that, in addition to the heavy miscellaneous business devolving upon the Civil Courts, 451 regular suits were determined after trial, on an average, by each of the seven functionaries, who compose the judicial establishment of this District, that 1697 decrees were either fully or partially enforced, and that all this work was dispatched with a degree of expedition and regularity, which enabled "the parties themselves generally to be present from the first institution of their suits to their final decision" "without detriment to their usual avocations," and at the close of the year left but 7 cases, whether regular or miscellaneous of longer standing than six months, it will be admitted that Mr. Heyland, no less than his subordinates, is entitled to much praise for successful industry and untiring zeal. The large increase, above noticed, in the number of suits instituted is attributed by the Judge to the greater promptitude, with which they are adjudicated, and the necessity of additional agency is anticipated, should it continue to be progressive, but this augmentation will be attended with no expense, the sum realized by the Sale of Stamps for use in the Moonsiffs' Courts largely exceeding the cost of their maintenance, as shewn in the subjoined table.

JUDGE.

Headings, Nos. 1 to 14, ...	479
" " 15 to 17, ...	4280
	4759

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14, ...	410
" " 15 to 17, ...	412
	822

	Salary and Establishment.	*Realized by sale of Stamps.*	*Refunded.*	*Net revenue realized.*
Court of Sudder Ameen and Moonsiff,.....	3960 0 0	11250 14 0	723 0 0	10527 14 0
Four Courts of Moonsiffs, ...	7320 0 0	10015 14 0	574 0 0	9441 14 0
	11280 0 0	21266 12 0	1297 0 0	19969 12 0

The Court would be disposed to view such a proposition favorably, it being evident from the returns above analised, that the energies of the Judicial Officers now employed are taxed to their utmost in preventing the accumulation of arrear, and that greater expedition in the disposal of business, than that already attained, cannot be expected or desired.

138. Mr. A. C. Heyland, who held the office of Judge throughout the year, and whose duties in the Criminal department occupied only 36 whole days, and part of 32 more, brought to decision on trial 505 regular suits, all with one exception being Appeals from his subordinates, and availed himself of the agency, provided by Regulation VI. of 1832, in the adjudication of two cases only, which were decided in accordance with the opinion delivered by the Assessors engaged: he comments, as in former reports, on the difficulty experienced in enlisting the services of respectable and unbiased persons in giving effect to this law, and adds, that, though he has always intimated to litigant parties his readiness to secure the co-operation of natives, if possible, he has failed to elicit from them any expression of a wish to that effect; it is impracticable to account for the variety of opinion and of practice, that prevails in respect of this law, which, though it has been nominally in operation for 14 years, remains in many Districts a dead letter, as regards civil actions. A large quantity of miscellaneous business, comprising 479 cases and petitions under Headings 1 to 14 of Statement No. 2, and 4338 orders on proceedings, reports and motions of every description, were likewise disposed of by the Judge, whose diligence is no less remarkable in this, than in the scarcely more important department of regular work, and whose good sense is apparent in the extensive use, made of the Principal Sudder Ameen's very efficient assistance. That office was administered throughout the period under report by Moulvee Mahomed Zuhoor with the ability and integrity, for which he has been long and deservedly distinguished, and his performances exceeded those of any preceding year; besides investigating and deciding 401 regular cases, of which 131 were original suits, and 270 Appeals from the decisions of the Moonsiffs (the majority of which were made over to him after perusal of the record by Mr. Heyland) he disposed of 702 cases of a miscellaneous nature, of which 290 appertained to the first 14 Headings of the Statement devoted to the exhibition of that description of work, and comprised 161 decrees either completely or partially enforced, the arrear, left for future disposal at the close of the year, amounting only to 62 cases. It reflects credit on the Principal Sudder Ameen, and may be received as an indication of the honesty of purpose, with which his authority is exercised, that during the past year only 74 Appeals were preferred from his decisions, 64 to the Judge, and 10 to the Sudder Dewanny Adawlut, and that of 75 cases, (inclusive of some remaining over from 1844) subjected to the revision of his immediate superior, before the close of the period under notice, his judgment was suffered to remain unaltered in 50, or a proportion of 66. 66 per cent, while of ten regular Appeals, disposed of by the Sudder Dewanny Adawlut, five terminated in the confirmation of his decision, and three in its modification, the other two having been, the one remanded, and the other dismissed. The Court desire me, in closing this review of Moulvee Mahomed Zuhoor's proceedings, to record the high opinion, which they entertain, of his character as a man, and his qualifications as a Judge, and to recommend him specially to the favorable consideration of Government.

139. Mr. James Kirk, the Sudder Ameen and Moonsiff of Ghazeepore, is said to be very "zealous in the discharge of his duties," and to give "much satisfaction in the appointment he holds," and certainly the details, exhibited in the statements under notice, go far to corroborate this favorable opinion. His work in the regular department comprehended the investigation and decision of 490* regular suits, of which 152 fell under his jurisdiction as Sudder Ameen, and 338 were disposed of in his inferior capacity of Moonsiff, and in the miscellaneous branch orders were passed by him on the merits of 2085 cases of all descriptions, 439 applications for execution of decree, either completely or partially complied

* Of which, Exparte, .. 106
Confession of judgment, .. 50

with, and 177 petitions of objections preferred in course of execution, being included in that number. If this epitome of Mr. Kirk's performances be considered to afford sufficient evidence of industrious application, the marginal Extract from the Appeal Statement will be thought to betoken the exercise of a sound and careful judgment on the matters submitted to his adjudication, in so far as the result of Appeals decided can be received as a test of judicial efficiency; it must, however, be added, as in the last annual report, that the proportion borne by Appeals preferred to decisions passed in contested suits, though smaller than in 1844, still continues considerable, amounting, as shewn in the following Statement, to 49·40 per cent.

Appeals Tried.	*Confirmed.*	*Reversed or modified.*	*Percentage of reversals,*
157	117	40	25 . 47

Decided on trial.	*Deduct Exparte and Ikbaldawa decisions.*	*Appeals instituted within a year.*	*Proportion per cent.*
490	156	334 165	49·40

The objects, proposed by the creation of this office, would seem to have been completely answered, the file of the Principal Sudder Ameen having been thereby relieved of many cases which must have been otherwise referred for decision to his Court, and his valuable services thereby rendered available in the hearing of Appeals, and the enforcement of decretal orders. Neither the Principal Sudder Ameen nor the Sudder Ameen was required to give his aid in the Magisterial department.

140. All the Moonsiffs of this District, four in number, receive credit for the diligence and the regularity, with which they have applied themselves to the performance of their responsible duties, and the Court see no reason to qualify the praise, which Mr. Heyland's remarks imply. Exclusive of those decided by Mr. Kirk as Moonsiff of Ghazeepore, there were 1761* regular suits disposed of in these four tribunals, after investigation of the merits, at an average of 440 to each Officer, and in none was the arrear, awaiting future disposal, disproportionate to the quantity of business instituted and dispatched; to this, in estimating the exertions of the functionaries concerned, their labors in the miscellaneous department, including, besides other work, the full or partial enforcement of 1002 decreed claims, in the proportion of 753 to the former and 249 to the latter category, must be superadded, and the very recent institution of all depending cases, whether regular or other, must be considered. Of the judicial merit of their decisions the Court have no other means of forming a judgment, than the details represented in the Appeal Statement, and the information, communicated by the trying Officer on this head: in the marginal extract is represented the result of Appeals, brought to decision within the year under report, and the inference deducible from it is hardly favorable, except in the case of Moulvee Abdoor Ruhman, the Moonsiff of Bulleeah, who by his exertions, and by the exhibition of much ability during the past two years, has altogether effaced the unsatisfactory impression, received from Mr. Heyland's report of his operations during the year 1843. The judgment of Bisseshur Dyal, too, who was transferred from the Goruckpore District towards the end of 1844, owing to constant indisposition, is creditably represented, no less by the paucity of Appeals preferred from his Court (which is not distant from the Sudder Station) than by the confirmation of his decision in the proportion of 80·41 per cent to the whole number revised, and the unfavorable con-

† Exparte, ... 381
Ikbaldawa, .. 305
686

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Sheik Ahmud Alee, Moonsiff of Sydepore, ..	69	39	30	43 · 47
Syud Ahmed Alee, Moonsiff of Rusrah, ..	155	85	70	45 · 16
Moulvee Abdoor Ruhman, Moonsiff of Bulleeah,	194	156	38	19 · 58
Bisseshur Dyal, Moonsiff of Mehomedabad, ..	85	61	24	28 · 23
	503	341	162	32 · 20

clusion in regard to Ahmud Alee of Rusrah, as deducible from the marginal table, becomes somewhat qualified by the fact, that of the 70 cases, which terminated in the reversal of his order, 38 turned upon one and the same point, and may be reckoned as one in the light, in which we are now regarding them; in the first suit the Moonsiff non-suited the Plaintiff on grounds, which were deemed by the appellate Court insufficient to warrant such an order, and his decision being reversed, the other 37 met with the same fate.

141. As connected with this subject, Mr. Heyland in the 16th paragraph of his report states, that many of the "modifications and reversals resulted rather from a defect in the nature of the decisions, than from a difference of opinion as to the real merits of the case," and subjoins an abstract of certain instructional orders addressed by him to the subordinate Judges, with a view to prevent the recurrence of such defects. It is thought unnecessary in this place to specify the particular points, to which these instructions relate, or to discuss their propriety, seeing that the Court have directed their withdrawal, being reluctant by a tacit acquiescence therein to recognise their validity, or to acknowledge the competency of a zillah Judge to issue such orders on his own responsibility; indeed the local Officers have been interdicted from laying down any rules of a general nature for the guidance of the lower Courts without the previous acquisition of the Court's concurrence, and the maintenance of this interdict is essential to ensure uniformity of practice in the Civil Courts, and to secure the efficiency of the Civil administration. Were this restriction relaxed, the system generally, no less than the principles to be observed in the adjudication of particular suits, would in the course of time become as uncertain and various as the opinions of the various Judges, who might be appointed to supervise the one, and to exercise a controul, in their Appellate capacity, over the other; the Judge, it is true, in discharging his Appellate functions, must be guided by his own view of the merits of each case, and of the law, bearing upon it, and his judgment may possibly be regarded as a precedent, though not binding as such, by his subordinates, but a judicial decision on a particular case, it must be remarked, is less liable to be misunderstood, and perverted or misapplied, than a general rule, intended to govern the adjudication of a class of cases, the intrinsic features of which may differ so materially, as to render that general rule wholly inapplicable to many. It is to be apprehended that in many instances the subordinate judicial officers would be embarrassed rather than aided by Mr. Heyland's instructions, and would err, in endeavoring to shape their course in all cases indiscriminately by the principles, which those instructions inculcate.

142. As it is probable, that the 21st paragraph of Mr. Heyland's letter, which relates to the Court's Circular order, dated 24th June 1842, on the subject of bringing suits for land in coparcenary estates, will attract the notice of the Hon'ble the Lieutenant-Governor, I am desired to state that the Judge has been required to submit for the inspection of the Court the records of a few suits, which are said to have been erroneously dealt with owing to "a misunderstanding of the nature of Zemindaree, Putteedaree, and mixed Putteedaree tenures," together with such portions of the proceedings of settlement, as may serve to exhibit the character of the tenure, and enable the Court to determine whether it has been misjudged. With reference, further, to the Judge's remark, that there are cases, "such as for the determination of shares according to ancestral right in the puttee of a Putteedaree Mehal, to which the rules are not quite applicable," it has been remarked, that the cases contemplated are probably those, in which claims may be advanced for re-division of land according to ancestral shares in a Putteedaree estate, the lands of which are occupied by the copercenary fraternity agreeably to local custom, and Mr. Heyland has been requested to forward for examination the records of any cases of this nature, which may have been instituted in his Court or in any of the subordinate tribunals, with an expression of his opinion as to the mode, in which such suits should have been brought. The correspondence, which may ensue, will, if required, be submitted for the information of the Hon'ble the Lieutenant Governor.

143. It will be observed, that public offices cannot be provided for the Moonsiffs at the outlay, sanctioned by the orders of Government, dated 2nd October* 1845, that sum (Rupees 75) being insufficient for the erection or the purchase of a suitable building. As regards the regret, expressed in the 24th paragraph of his report, regarding the Court's discontinuance of the practice of issuing constructions, the Judge has been informed, that, when the local authorities differ as to the interpretation of a law, they are entitled by Regulation XXII. of 1803 to demand from the Sudder Dewanny Adawlut or the Nizamut Adawlut, a construction of its provisions, and in such cases the Court do not hesitate to give expression to their opinion, but, when no such difference of opinion has arisen, and when the question proposed is either hypothetical, or liable to come before the Court in Appeal, it has been of late judged the most prudent course to leave the local authorities to exercise their own discretion. As the Court have reason to believe, that the matter alluded to will shortly be brought under re-consideration, they have satisfied themselves with stating the present practice, and have abstained from detailing the views, which they entertain regarding it.

* *v.* Circular Order, No. 1879, dated 28th November 1845.

144. The issue of Circular Order No. 26, January 1846, restricting the currency and application of Construction No. 890, to the Lower Provinces, has led to an enquiry from Mr. Heyland, whether it is the intention of the Court to prohibit thereby "the sale of the rights and interests of Kashtkars in the fields held by them, in satisfaction of decrees," and as the subject is one of general interest, involving too, a question of law, the Court direct me to record in this place the substance of the reply communicated to him. The Court, presuming that Mr. Heyland alludes to the right of hereditary occupancy, possessed by certain agriculturists, who are generally designated in these provinces "Kashtkar" or "Assamee" or "Muzaruh Mouroosee" have remarked, that the rights of these parties are incidently mentioned in Clause 7, Section 32, Regulation XXVIII. of 1803, in the following terms, viz. "a leaseholder or other tenant, having a right of occupancy, so long as a certain rent or a rent determinable on certain fixed principles according to local rates and usages, be paid, without any right of property or transferable possession," and again in Clause 2, Section 10, Regulation VII. of 1822, their "right of hereditary occupancy, subject to the payment of a fixed rent, or of a rent determinable by a fixed principle" is contradistinguished from the rights of persons, possessing an heritable and transferable property in the land; these enactments, it has been added, appear to the Court, by the strongest implication, if not in direct terms, to declare, that the right, appertaining to the parties mentioned, is a right of hereditary occupancy subject to certain conditions, and not a right of property, and that the former is not transferable by sale, while the latter is so alienable. Mr. Heyland, apparently aware of the existing objection to the practice, which he advocates, argues that the consent of the proprietor must be held to invalidate it, but the Court have observed, that the "consent of the proprietor" cannot make that legal, which is opposed to or unsanctioned by the law, and that no considerations of expediency, however cogent, can justify recourse to an illegal measure; it may be quite true, as urged by Mr. Heyland, that money lenders will be at first subjected to some loss by the refusal of the Courts to sell the rights under notice, but the evil will in due time correct itself, and Mahajuns will not lend money, when they can obtain no sufficient security. Mr. Heyland has been cautioned that the Court do not mean by the foregoing remarks to declare, that there are no rights, appertaining to agriculturists, other than the generally recognized proprietors of the soil, which are transferable as well as heritable, but that generally, the right of hereditary occupancy, possessed by Mouroosee Assamees on certain conditions, is not a right of property, and is not transferable, that unless the specific right and interest proposed for sale in satisfaction of a decree, be proved judicially in a regular suit to be saleable, the Courts should decline to direct the sale.

KUMAON.

145. A falling off of 221 in the aggregate number of decisions, passed after trial in all the Courts of this Province, as compared with the result of their operations in 1844, is accounted for by a decrease in the income of business to the extent of 569 suits, while those before the Courts were likewise fewer by 421: at the same time, and probably owing to the same causes, the amount of depending arrear has been reduced from 1768 at the beginning, to 1511 at the end, of 1845, and this notwithstanding the absence of the Senior Assistant of Kumaon for 4 months, and his inability, by reason of his employment in settlement duty, to give so much time and attention to civil duty, as otherwise he might have done: the removal too of Mr. H. Ramsay to Gurhwal, and the substitution at Kumaon, as Junior Assistant, of Mr. Strachey, "young and inexperienced in office," and on his first arrival, "by no means well acquainted with the native language," may be noticed as circumstances, which could hardly have been without their effect on the operations of the Kumaon (proper) Courts during the past year; nevertheless the duties have been, as usual, creditably conducted, as a reference to the following table, which exhibits at a glance the quantity of business, both regular and miscellaneous, dispatched by all the Officers exercising judicial functions in the province, will shew:

COMMISSIONER.

Headings, Nos. 1 to 14,	221
,, ,, 15 to 17,	46
	267

2 *Senior Assistants.*

Headings, Nos. 1 to 14,	930
,, ,, 15 to 17,	285
	1215

1 *Junior Assistant.*

Headings, Nos. 1 to 14,	525
,, ,, 15 to 17,	0
	525

	No. of Regular cases, appeal and original before Courts.	Decided on trial.	Dismissed on Default.	Adjusted or withdrawn.	Pending.	Miscellaneous. Headings 1 to 14.	Decided on merits. Remaining Headings.
Commissioner Mr. G. T. Lushington,	968	399	269	125	175	Statement No. 2. 204	46
Senior Assistant Mr. J. H. Batten (Kumaon proper,)	635	200	44	215	176	139	29
Senior Assistant Captain Hillersden, (Gurhwal) and Mr. Ramsay,	1401	388	870	56	87	255	256
Junior Assistant Mr. H. Ramsay, and Mr. J. Strachey,	876	171	452	206	47	289	0
Sibchurn Sing, Sudder Ameen of Kumaon,	1825	330	909	190	396	Statement No. 3. 110	0
Trilochun Joshee, Sudder Ameen of Gurhwal,	1757	327	961	161	308	72	0
Moonsiff of Kumaon,	655	272*	143	128	112	0	0
Moonsiff of Gurhwal,	1415	204†	886	115	210	0	0
	9532	2291	4534	1196	1511	1069	331

* Exparte, ... 81
† Ikbal Dawa, ... 57

Thus it would appear, that, though the quantity of work dispatched is less than that, represented in the returns for 1844, it has been attended by a corresponding reduction of arrear, and all the Officers, it may be added, the two Moonsiffs excepted, exceeded the prescribed standard in the number of their decisions: in the case of the Kumaon Moonsiff, the deficiency is not such, in the Commissioner's opinion, "as to render him liable to censure," and is in part accounted for by the fact of his having been deputed "to hold his Court during the commencement of the year in the Terai, and towards the end of it in the western portion of Kumaon," while, as regards the same Officer in Gurhwal, "the comparatively small number of cases referred to him by the Assistant" is urged, among other reasons not equally valid, in explanation of the failure. The Court can hardly concur with Mr. G. T. Lushington in the opinion, which he has expressed,* that "the occasional location of the Moonsiff's Court in those parts of the (Kumaon) Province, in which litigation chiefly obtains ought to be productive of benefit to those, who might otherwise be forced to attend at Almorah, on idle and vexatious claims preferred against them by the litigious mischiefmakers of the community," but, be that as it may, the Commissioner's competency under the rules in force to remove the Moonsiffs' Courts from place to place may be reasonably doubted, no less than the beneficial effect of such a practice on the Courts themselves: the point is under consideration. It is hoped that the re-introduction of the use of Stamps which formed the subject of correspondence, as noted in the margin†, may serve to repress the litigiousness of the hill-men, and reduce, as a matter of course, the number of groundless, fictitious suits, which, from the large proportion adjusted or withdrawn and dismissed on default there is good reason to believe, are too frequently instituted; the rules in question were communicated to the local authorities under date the 17th April last.

* *v.* paragraph 9.

† My letter No. 1451, dated 27th August 1845.
Your reply No. 4350, dated 8th October 1845.
My letter No. 78, dated 19th January 1846.
Your reply No. 1426, dated 6th April with Resolution and Rules of the same date.

146. During the past year 42 cases were decided with the aid of a Punchayet, and in the trial of 11 assessors were associated with the deciding Officer, the ultimate judgment having in all but one case been delivered in accordance with their opinion; the Commissioner observes that the people do not "manifest any increasing fondness for this system," and adds, with reference to a notion supposed to be prevalent "that an honest and impartial Punch is a thing no longer attainable in this age," that "its prevalence tends to shew that there must be a lamentable want of integrity and of mutual respect and confidence among the people themselves;" the Court are inclined to think that the perfect confidence, which the people, whether of the hills or the plains, have learnt to feel in the uprightness and intelligence of a European Judge, induces them to prefer rather that their disputes should be submitted to his adjudication, than to that of a Native functionary, equally able perhaps, and certainly more conversant with their habits, feelings and prejudices, but less trustworthy.

147. The miscellaneous business in this province relates almost exclusively to the execution of decrees, of which 626 were fully, and 188 partially enforced, 387 other applications having been struck off on default of the decree-holders. The two Sudder Ameens gave their aid in this department, having disposed of 179 of the applications, that were struck off on the two conditions first mentioned.

148. The nature of the Appeals, generally instituted in this province, having been explained in the 158th paragraph of the last report, as accounting satisfactorily for their unusually favorable result, it is thought sufficient to state that the decisions of the two Senior and the Junior Assistants were confirmed by the Commissioner in 246 out of 322 cases, that underwent his revision, and that the judgment of the two Sudder Ameens and two Moonsiffs in 359 suits was upheld in 270 of that number, the issue being particularly favorable in the

case of the Gurhwal Moonsiff, Sewanund Kundooree, the quality of whose work is thought in some measure to compensate for its deficiency in quantity. The qualifications of the several functionaries having been noticed cursorily in the Court's last report, and at some length in the Commissioner's letter which accompanied it, and the same individuals being still in office, there is the less reason to revert to the subject, but the Court think it due to Mr. Ramsay to state in the language of the Commissioner, that "his thorough acquaintance with the language, habits and prejudices of the hill people, added to great powers of endurance and zeal in the discharge of his duties, render him peculiarly well fitted for the office he lately held in Kumaon, as also for the higher grade, to which he has recently been appointed in Gurhwal," and likewise due to Sibchurn Sing, Sudder Ameen of Kumaon, to mention, that "he still retains his former character for integrity and laboriousness," and that "the quality of his work appears to have improved."

149. The papers before the Court seem to call for no further remark.

SIMLA.

150. A few brief remarks will suffice to shew, that the civil business, originating in this hill tract, has been promptly and efficiently dispatched by the established agency, and that hitherto no circumstances have occurred of a nature to favor the supposition of its inadequacy to the judicial wants of the tract in question. The increase in the number of suits instituted in 1844, as noticed in the 161st paragraph of the Court's report for 1844, was followed during the past year by a falling off in the regular business of the Courts to the extent of 36 cases; but the decisions on trial were nevertheless more numerous by 42, while the suits adjusted, withdrawn or dismissed on default, were fewer by 104, and the entire arrear, awaiting disposal at the end of the year, consisted of one original suit on the file of the Sub-Commissioner. In the superior tribunal administered throughout the year by Mr. Erskine, 54 regular cases (8 original and 46 appeals) were instituted, and were all disposed of, together with two remaining over from 1844, within the period under report, (one only excepted) 52 by decision on the merits, one by dismissal on default, and two by adjustment or withdrawal; while, in the miscellaneous department his work was, so to speak, nominal, having consisted in the enforcement of three decretal orders, and the disposal of a few matters of course, appertaining to the last three headings of statement, No. 2; in this department, likewise, there was but one case left for future disposal. A review of Mr. Brian Hodgson's labors is similarly satisfactory, and entitles him to the praise, which is due to a conscientious and industrious discharge of public duty; 768 regular suits brought on his file were all disposed of within the year by the trial and decision of 384* the dismissal on default of 250, and the adjustment or withdrawal of the other 134, while the miscellaneous business, which is almost wholly restricted to the Sudder Ameen's Court, included 243 applications for execution of decree, and was promptly brought to a termination, his files exhibiting no arrear of any description, when the year ended; of the 243 adjudicated claims, all but one were fully satisfied, and in the excepted instance partial enforcement was effected.

JUDGE.	
Headings, Nos. 1 to 14, ...	3
„ „ 15 to 17, ...	114
	117

* Exparte, ...	139
Ikbal Dawa, ...	68
	207
Contested Suits, ...	177
	384

151. It may not be irrelevant to observe, as accounting in some measure for the rapid and unembarrassed dispatch of civil business in this jurisdiction, that it consists almost exclusively of claims for debts on bond, wages, damages for breach of contract, and other petty transactions, which seldom involve questions of intricacy, and require but little time in their determination.

152. Out of 46 Appeals, preferred within the year, Mr. Hodgson's judgment was confirmed in 18, and reversed in 27 instances, one having been dismissed on default, a result which, it cannot be concealed, is much less satisfactory than usual, and may with advantage be made the ground of exhortation to Mr. Hodgson to be cautious, how he sacrifices due deliberation to the not uncommon desire of exhibiting clear and unencumbered files.

153. The correspondence, noted in the margin,* resulted in a notification dated 12th July 1845, intimating the transfer of appellate jurisdiction to the Sudder Dewanny Adawlut, in respect of all decisions passed by the Sub-Commissioner at Simla in original suits and regular appeals, but hitherto the arrangement has been practically inoperative, and the great distance of the appellate tribunal, no less than considerations connected with the reluctance of the hill people to expose themselves, without very cogent reasons, to the climate of the plains, induce the Court to expect but little addition to their judicial labor from the introduction of the rule referred to.

* Your letter No. 1816, dated 30th April 1845.
My letter No. 826, dated 12th May.
Your reply No. 2947, dated 12th July.

SUDDER DEWANNY ADAWLUT.

154. In the following note is exhibited the number of cases, pending before, and disposed of by, the Sudder Dewanny Adawlut in 1845, and the subjoined Table may serve further to illustrate the same.

Pending on the 1st January 1845,	Regular and Special Appeals,.....		133
Admitted during the year, ...	Regular Appeals, ...	97	
	Special Appeals, ...	128	225
			358
Disposed of, ...	Regular Appeals, ...	99	
	Special Appeals, ...	142	241
	Remaining on 1st January, 1846, ...		117

	Regular and Special Appeals.															Miscellaneous disposed of.			
	Pending on 1st Jany.			Admitted during the year.			Total before the Courts.			Disposed of.			Pending on the 31st December.						
	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Cases.	Petitions.	Petitions of Special Appeal.	Total.
1844	93	27	120	108	146	254	201	173	374	114	127	241	87	46	133	632	1851	676	3159
1845	87	46	133	97	128	225	184	174	358	99	142	241	85	32	117	610	1397	663	2670
Increase.	0	19	13	0	0	0	0	1	0	0	15	0	0	0	0	0	0	0	0
Decrease.	6	0	0	11	18	29	17	0	16	15	0	0	2	14	16	22	454	13	489

In addition to the above the Court disposed of—

Miscellaneous cases,....	610
Miscellaneous Petitions,	1397
Petitions for admission of Special Appeals,	663
	2670

	Distribution of the cases disposed of with reference to the mode of disposal.							
	Confirmed on perusal of the petition of Appeal and Decree of the Lower Court.	Confirmed after summoning the Respondent.	Reversed.	Modified.	Ordered back for re-trial or further investigation.	Dismissed on Default.	Adjusted.	Total.
1844	22	40	46	10	107	13	3	241
1845	18	44	50	27	83	9	10	241
	—4	+4	+4	+17	—24	—4	+7	0

Dates of institution of Appeals pending on the 1st Jany. 1845, and the 1st January 1846.					
	1842	1843	1844	1845	Total.
1844	0	2	13	118	133
1845	0	1	8	108	117

Pending on the 1st June 1846.					
	1843	1844	1845	1846	Total.
	1	1	61	51	114

and in the Criminal Department trials regularly referred, 296
Trials called for, .. 169
Cases under Section 5 and 6 Act XXXI. of 1841, ... 50

515

Miscel. cases, 113
do. Petitions, 210 323

838

Messrs. Tayler, Thompson and Davidson were attached to the Court throughout the year, as permanent Judges, and neither absence nor other cause occurred to interrupt their labors.

155. It appears from the returns, that, with an aggregate of cases, pending before the Sudder Dewanny Adawlut at the beginning of 1845, more by 13 than at a corresponding period of the preceding year, and an income of Appeals smaller by 29, there were 16 fewer suits awaiting decision at the end of the year under report, than at the close of 1844. The number depending at the end of December comprehended nine appeals of earlier date than 1845, one having been instituted in 1843 and eight in 1844—an amount, which on the 1st instant had been reduced to one appertaining to each of those years, while 108 Appeals of 1845 had been reduced to 61; the aggregate number of appeals disposed of was exactly the same as in 1844, but an increase in that of special appeals, to the extent of 15, is apparent, and the miscellaneous business brought to a termination, it will be observed, was likewise less; but the falling off in this respect is rather nominal than real, being attributable to a different and a fairer system of enumeration, introduced during the past year. The petitions for admission of special appeal were fewer by 14 than in the period last reported on, and the following statements will shew how they, as well as the 241 admitted appeals, were adjudicated.

STATEMENT A.

OF ADMITTED APPEALS.

Confirmed on perusal of Petition of Appeal and Decree of the Lower Court,	18
Confirmed after summoning the Respondent, ...	44
Sent back for re-trial or re-investigation, ...	83
Reversed or Modified, ...	77
Dismissed on Default, ...	9
Adjusted, ...	10
	241

STATEMENT B.

OF PETITIONS FOR ADMISSION OF SPECIAL APPEALS.

Admitted.		*Rejected.*		*Struck off.*		*Total.*
127	....	459	....	77	....	663.

156. The amount of property, involved in these 241 appeals, was Rupees 21,59,816, and that at stake in the 117 appeals, remaining for future disposal at the close of the year, was Rupees 26,83,988. The value of property under litigation before all the Local Courts, when the year closed, was Rupees 52,63,406, making, with the value of appeals before the Sudder Dewanny Adawlut, as stated above, an aggregate of Rupees 79,47,394. viz.

In Original Suits,... .... Rupees 44,98,096.

In Appeals, ... „ 34,49,298.

The falling off in the amount of property under litigation is remarkable, being Rs. 45,07,827.

157. If cases, decided by the Sudder Dewanny Adawlut and the Courts of Kumaon and Simla, be excluded, the general abstract of operations gives the results, which follow: the aggregate of cases, instituted in 1845 before all the Courts, was 71,466, viz. original suits 64,743, and appeals 6,723, being more than those brought in 1844 by 3,866; the whole number of regular suits under trial was 88,986, comprising original suits 79,923, and 9,063 appeals, or more by 3,308 than in 1844; the entire number disposed of amounted to 69,886, that is, 63,097 original suits and 6,789 appeals, which yields an increase of 1023, as compared with the result of the preceding year's operations. Of the 69,886 suits, which were disposed of, 46,896 or 67·10 per cent were decided on trial of the merits, viz. 40,589 original suits, and 6,307 appeals. The arrear at the close of the past year consisted of 19,100 suits, of which 16,826 were original and 2,274 appeals, being larger by 2,275 than that, which the general file at the end of 1844 exhibited, while among the pending suits 19,036 or a proportion of 99·66 per cent were brought on the file within the 12 months under review; this epitome of the work done in the several Local Courts seems to call for no particular remark, save that of the original cases described as decided on trial,* 9,057 were tried exparte and 12,580 decreed on confession of judgment, the two items constituting a proportion of 53·31 per cent on the aggregate of decisions on trial; this peculiarity has attracted the observation and received the attention of the Court, who would refer to the remarks recorded under the head of Goruckpore, as satisfactorily accounting for it.

* *Note*—the 9 original suits decided by the Judges being excluded.

158. The nature of the decisions, passed by the Local Courts, may be judged from the marginal table, which shews that, out of 40,589 original suits determined on trial, 33,429 or a proportion of 82·35 per cent went in favor of the plaintiff: the decisions of each judicial grade are exhibited in the margin. The number of appeals instituted during the year (6,723) bear a proportion of 10·65 per cent to the original suits (63,097)

	For Plaintiff.		*For Defendant.*	*Total.*
* Judges,.. ..	7	..	2	9
P. S. Ameens,	1681	..	667	2348
S. Ameens,..	2951	..	810	3761
Moonsiffs, ..	28790	..	5681	34471
	33429	..	7160	40589

disposed of, and of 16·56 per cent to those decided on trial (40589), while of the appeals, adjudicated on their merits, (6,307), 4,020 or a proportion of 63·73 per cent ended in the confirmation of the judgment, pronounced by the Court of first instance, results, which nearly correspond with those exhibited in the Court's report for 1844.

Statement No. II.—159. As compared with the year preceding, a further decrease is apparent in the number of suits depending before the Local Courts and the Sudder Dewanny Adawlut, of longer standing than the twelve months reported on, the number of such cases having been 189 in 1843, 127 in 1844, and 73 in 1845: the diminution in this Court amounts to 6 as shewn marginally, while that in the Zillah Courts amounts to 58, which is not otherwise than satisfactory. The prolongation of a case beyond the period of a year, except it have been remanded or its progress stayed by reference to other Courts, or unforeseen circumstances have occurred, is now a rare occurrence, and the Court would fain hope that the administration is not the less popular, or the scales of justice less nicely balanced, because delay in the preparation and adjudication of cases is discouraged, or because, as Statement No. III. goes to shew, no delay whatever occurs.

	1842	1843	1844	Total
1844	2	13	0	15
1845	0	1	8	9
				6

160. Statements Nos. IV. and V. call for no remark, and the details exhibited in No. VI. have been already noted at the beginning of this section.

Statement No. VII.—161. During the past year only 118 suits were tried with the aid of the Agency which Regulation VI. of 1832 provides, shewing a further falling off, as compared with the last 3 or 4 years,* which can be explained only by the reluctance of Natives to give their unremunerated time and attention to this duty, by the delay, which their employment not infrequently occasions, and by the restriction of the Judge's labors to the hearing of Appeals, which touch perhaps as often on points of Law, as on matters of fact; in the former case the association of those uninstructed in the Law could be productive of no benefit, even if the principle of allowing to them the privilege of expressing an opinion in regard to the interpretation or the hearing of the Law were admissible. The Statement shews, that in 10 districts, as noted in the margin,† the Regulation was practically inoperative, while in six‡ others recourse was had to it in the trial of only two or three cases; the result is far from encouraging to those, who are disposed to look favorably on the system, which it is the object of the enactment to introduce, nor after the experience of 14 years can the Court indulge the belief that the mode of proceeding, which it authorizes, is popular: it is stated by many Judges, that litigants themselves seldom or never solicit a recourse to it, and it is the opinion of the majority of the Court, as declared under the head of Kumaon, that the people are better pleased to confide in the integrity of a European Judge, and his conscientious desire to decide rightly and equitably, than in the more intimate acquaintance with their habits, feelings and prejudices, which the native judicial Officers may be supposed to possess. It remains for the Government to determine, whether, under the circumstances set forth in this and former reports, the only step, which is likely to further the more general introduction of the system, should be taken, viz. whether by an act of the Legislature, service in the capacity of Jurors and Assessors in civil actions or criminal trials or both should be declared compulsory on certain classes of the community. As noted in a former part of this report, 42 suits were

* 1841 198
1842 289
1843 165
1844 141

† Delhie, Seharunpore, Meerut, Allygurh, Moradabad, Agra, Bundelkund, Goruckpore, Jounpore, Mirzapore.

‡ Bareilly, Mynpooree, Cawnpore, Azimgurh, Benares, Ghazeepore.

tried with a Punchayet, and 11 with the aid of Assessors in Kumaon, and in the Simla Courts the latter description of agency was used in the trial of 7 cases.

Unexecuted Decrees.

Statement No. VIII.—162. This statement calls for no particular remark: the pending cases of this description in the several Zillahs (Kumaon and Simla excluded) were at the end of 1844, 10,566 in number, and 10,511 at the close of 1845, giving a reduction of 55 in favor of the year under report; Statement No. XIII. shews, that there were altogether 59,770 applications for execution of decree presented during the year, and that of this number 47,602 were disposed of, 17,384 by full enforcement of the decree, 60,062, by partial settlement of the adjudicated claim, and 20,156, or a proportion of 42,34, per cent were struck off owing to the failure of the decree-holder to proceed in the matter. The Court have persevered in their endeavors to maintain unabated the executive efficiency of the Lower Courts, and they do not regard the large proportion of futile applications as any proof of failure; on the contrary, the Courts are entirely dependent on the pleasure of the decreeholder, and on his co-operation, and cannot be blamed, any more than the rules, which regulate their proceedings, can be condemned, because those, who are chiefly interested in the matter, relinquish all means to realize their adjudged dues, urged to that course by considerations of expediency, or the entreaties or the insolvency of their debtors, or private feelings or any other cause. It is anticipated that the rules framed by the Court under the provisions of Section 11, Act IV. of 1846, and submitted for the approval of the Supreme Government with my letter No. 501, dated 2nd April last, will tend greatly to systematize and facilitate the execution of decretal orders, and it is hoped that no long time may elapse, before their practical introduction shall be authorized.

Statement No. IX.—163. It may not be uninteresting to note that, of the 64,743 original suits, instituted within the year under report in the Local Courts (exclusive of the Kumaon and Subathoo Courts) 13,142, were brought for the possession of land or real property, or the recovery of rents of land, or to contest sales by the revenue authorities, while the remaining 51,601, related to debts on bond, damages, wages, personal property, and other matters of that description, the large proportion of the latter shewing the generally simple nature of the questions, which are brought before the Courts of this country for adjudication.

Statement No. XI.—164. This statement exhibits the issue, with which appeals from the decisions of Officers holding judicial appointments at the end of 1845, were adjudicated by the Court of Sudder Dewanny Adawlut. Eighteen, dismissed on default or adjusted, being excluded from the calculation, it appears, that, of 169 appeals tried and decided on their merits, the original judgment was upheld in 49, modified in 19, and reversed in 32, while the remaining 69, were ordered back for re-trial or re-investigation, the remands, modifications and reversals having amounted to 71·00, per cent on the number that went to decision,—whereas the proportion in 1844, was 72·19, per cent, or less favorable than that just noticed. The subjoined note shews, that suits were remanded in smaller proportion during the past year than in 1844.

In 1843, 44 were remanded out of 143 tried, or 30·76 per cent.
In 1844, 103 were remanded out of 205 tried, or 50·24 per cent.
In 1845, 69 were remanded out of 169 tried, or 40·82 per cent.

165. The Court know not, that the comparative statement of the number of suits remanded by the Zillah Judges and (with their concurrence) by the Principal Sudder Ameens, trying appeals, needs illustration: the variations, excepting in the districts of Meerut, Bareilly, Futtehpore, Bundelkund, Goruckpore, Azimgurh and Ghazeepore, are not remarkable, and in them the Court have generally found the reasons stated in the monthly report, prescribed by Circular Order, dated 16th April 1841, sufficient to justify the order: such instances of misconception or misapplication of the law, as attracted the notice of the Court on the reviewal of those reports, were pointed out for future avoidance.

ZILLAHS.	1843.			1844.			1845.		
	By the Judge.	By the Principal Sudder Ameen.	Total.	By the Judge.	By the Principal Sudder Ameen.	Total.	By the Judge.	By the Principal Sudder Ameen.	Total.
Delhie,	14	3	17	33	3	36	25	3	28
Seharunpore,	9	0	9	36	0	36	21	0	21
Meerut,	30	6	36	19	4	23	8	2	10
Allygurh,	33	10	43	26	1	27	23	2	25
Moradabad,	8	6	14	4	2	6	1	15	16
Bareilly,	40	4	44	40	1	41	8	6	14
Agra,	2	0	2	4	0	4	6	0	6
Furruckabad,	16	0	16	12	1	13	4	0	4
Mynpooree,	15	7	22	14	2	16	7	2	9
Cawnpore,	24	0	24	20	4	24	37	0	37
Futtehpore,	6	0	6	11	0	11	21	0	21
Bundelkund,	14	4	18	25	6	31	15	0	15
Allahabad,	37	0	37	14	0	14	25	2	27
Goruckpore,	17	4	21	18	2	20	7	6	13
Azimgurh,	33	0	33	17	14	31	16	2	18
Jaunpore,	26	6	32	10	6	16	7	9	16
Mirzapore,	27	0	27	16	0	16	9	0	9
Benares,	35	4	39	27	3	30	50	1	51
Ghazeepore,	18	0	8	8	2	10	52	0	52
Kumaon,	27	0	27	50	3	53	35	8	43
Subathoo,	5	0	5	3	0	3	16	0	16
	623	77	700	407	54	461	393	58	451

In Kumaon for "Judge" subaudi "Commissioner" for "Principal Sudder Ameen," ditto, "Senior and Junior Assistants."

* Statement No. XII.—166. In the margin is given an Abstract of this Statement, in which an omission, that inadvertently occurred in the returns for the two preceding years, has been supplied: it exhibits the whole number of appealable cases determined during the past year by the several grades of Judicial Officers, European and Native, collectively, and the proportionof the decisions, that were appealed and in appeal upheld: without commenting on the results, which differ but little from those, represented in the report for 1844, it may be noted that the small proportion of appeals from the orders of the European Judges is probably in a great measure caused by the comparative remoteness of the appellate Court, and the greater difficulty and expense, which an appeal to the Sudder Dewanny Adawlut involves: it may be reasonable to presume, that these Officers, by reason of their greater educational advantages, and their superior acquaintance with the spirit of Anglo-Indian Legislation, will ordinarily decide more correctly, than the native judicial functionaries, but it may be questioned whether, if the facilities of appealing were equal in both cases, their judgment would not be more frequently called in question; the issue of the 103 appeals from their decisions would seem to shew that the parties, generally speaking, had fair grounds for seeking a revision of the order, by which they deemed themselves aggrieved.

* For Statement No. XII. see the following Page.

| Officers. | Description of Cases. | Original Suits and first Appeals. | | | | Proportion. | | | First and Second Appeals. | | | |

Statements Nos. XVI. and XVII.—167. Exhibit in sufficient detail the miscellaneous business dispatched in the Local Courts and the Sudder Dewanny Adawlut, and do not require comment.

168. With advertence to the orders of Government, No. 1507, dated 6th May 1840, I am desired to announce, that the only new appointment, made in the past year, to the Office of Principal Sudder Ameen, was that of Mr. J. P. Ledlie, Assistant Register of this Court, to be Principal Sudder Ameen, of Bareilly,(No. 276, dated 21st January 1845).

169. Agreeably to the orders of the Hon'ble the Court of Directors, as conveyed in their dispatch, dated 14th December 1842, a statement, made up to the 1st June instant, of the amount recovered and that still due, in the matter of costs incurred by them in the prosecution of appeals to the Queen in Council on account the Sudder Dewanny Adawlut, North Western Provinces, is herewith submitted in Appendix (C).—Act II. of 1844, imposed upon appellants the expense of providing for the translation of the proceedings and judgments required for transmission to England, and during the past year, an Act of Parliament (8 and 9 Vic: R. Chapter 30) has relieved the Hon'ble the Court from bringing appeals to a hearing, so that these items of charge must shortly cease altogether.

170. The efficiency of the Moonsiffs' Courts has been promoted very considerably by the passing of Act XIV. of 1845, which authorizes them to entertain Nazirs on their establishments, and by Act XVII. which extends to them the powers, heretofore exercised by Zillah Judges, for enforcing the attendance of persons, upon whom summons to appear as witnesses may have been duly served; Act XVI. which provides for the re-admission of appeals after dismissal on default under Act XXIX. of 1841, has been but infrequently acted on, and the Court are unable to form any definitive opinion as to the degree and the manner, in which it operates to prevent the injustice, possibly resulting from the extreme strictness of the default law. The Courts are now engaged in framing rules for the examination of candidates for the office of Pleader agreeably to Act I. of 1846, and trust, that when promulgated, they may have the effect of improving the qualifications, and raising the character of that body, to whose inefficiency and want of respectability much of the discredit, attaching to our Courts, may be traced.

171. I am desired to add, with reference to the 184th paragraph of the last report, that a set of Register Books for the use of the Moonsiffs' Courts generally has been devised, and that it will be shortly circulated,* with such instructions for the guidance of the subordinate Officers, as appear requisite.

* *v.* My Docket No. 947, dated 6th June 1846, and *Government Gazette*, dated 21st July 1846.

I have the honor to be,

Sir,

Your most obedient Servant,

G. F. EDMONSTONE,

Register.

Agra, the 6th June 1846.

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TO THE

CIVIL REPORT FOR 1845.

Para. 1. Submits reports and statements of Civil business, disposed of and pending in the Courts of the North Western Provinces, for 1845.

PARAGRAPHS 2 TO 7 INCLUSIVE. ZILLAH DELHIE.

Para. 2. Alludes to state of civil business in this district, as satisfactory, and to strength of judicial agency, as susceptible of reduction.

Para. 3. Details work performed by Judges (C. Lindsay and J. P. Gubbins), and notices non-employment of agency, provided by Regulation VI. of 1832.

Para. 4. Details performances of Principal Sudder Ameen; result of appeals from his judgments, deemed creditable.

Para. 5. Describes work done by Subordinate Courts, and notices large number of adjusted claims; result of appeals not deemed favorable, save in the case of Moonsiff of Noh.

Paras. 6 and 7. Shew cost of subordinate judicial establishments, and amount gained by sale of stampt paper; refer to Draft Act for better administration of Bhuttee Territory, and to the Judge's records.

PARAGRAPHS 8 TO 14 INCLUSIVE. ZILLAH SEHARUNPORE.

Para. 8. Result of operations in this district deemed satisfactory, difficulty in serving process under Act XXIII. of 1840, again adverted to.

Para. 9. Notices performances of Judges, (W. H. Benson, and G. F. Harvey), and ascribes deficiency of former Officer's work to ill health.

Para. 10. Describes the business disposed of by the Principal Sudder Ameen of Seharunpore and Superintendent of Dehra Doon; the judicial agency of latter district considered sufficient. States how Court disposed of a question regarding the competency of Dehra Doon Civil Court to try cases, cognizable by Military Courts of Requests.

Para. 11. States how five appeals, from Principal Sudder Ameen of Seharunpore's Court, terminated.

Paras. 12 and 13. Describe work despatched by the Moonsiffs, among whom Ameerrooddeen, Moonsiff of Shamlee, ranks highest, express doubt as to the adequacy of the

judicial establishment of Seharunpore District with reference to the income of business, and shew result of appeals from the Lower Courts, heard by Judge.

Para. 14. Subjoins a statement of the amount realized by sale of stamps, which largely exceeds cost of maintenance of inferior Courts; alludes to state of records and to certain irregularities, which prevailed in the District, but since corrected.

PARAGRAPHS 15 TO 22 INCLUSIVE. ZILLAH MEERUT.

Para. 15. After adverting to the obstacles experienced by the Civil Court of this district, expresses satisfaction with administration, and commends the control exercised over the Lower Courts by Mr. A. W. Begbie.

Para. 16. States that work of Judge, (A. W. Begbie) is not unfavorable, considering the imposition on him of Special Commissioner's duties, and that had appointment of Additional Sessions Judge not been made in time, arrear would have resulted.

Paras. 17 and 18. Detail work done, regular and miscellaneous, in Principal Sudder Ameen's Court, noticing also change of incumbency in the office. State how the appeals from Judge's and Principal Sudder Ameen's Courts terminated in Sudder Dewanny Adawlut.

Para. 19. Represents business disposed of in Sudder Ameen's Court, and eulogizes Baboo Shama Churn Banorjea for good judgment, displayed in the performance of his judicial functions.

Para. 20. Refers to recent revision of subordinate civil jurisdictions, and to changes in Office of Moonsiffs, as having interrupted the transaction of business; shews work despatched by the several Moonsiffs.

Para. 21. Exhibits result of appeals from Moonsiffs' Courts, commends performance of Mahomed Buksh, Moonsiff of Debhae, and expresses regret at that of Mr. V. Berkeley. Alludes to dismissal of two Moonsiffs for notorious disrepute.

Para. 22. Shews cost of judicial establishments of this district, and amount realized by sale of stamps.

PARAGRAPHS 23 TO 30 INCLUSIVE. ZILLAH ALLYGURH.

Para. 23. State of civil business compared with that of year preceding, and results deemed creditable to the Officers concerned.

Paras. 24 and 25. Notice work of Judge (M. J. Tierney), and of Principal Sudder Ameen, regular and miscellaneous, and result of appeals tried from their decisions.

Para. 26. Regards performances of the Sudder Ameen, whose appointment to this District has tended to relieve the Principal Sudder Ameen, necessity of maintaining the office in question will be known on transfer to Agra Court of Ryah and Juleysur Moonsiffees being effected.

Paras. 27 and 28. Describe amount of business transacted by the Moonsiffs, and mode, in which appeals from their judgments were decided, commend Mooftee Inayut Ahmed.

Para. 29. States that revenue realized from sale of stamps is more than the Moonsiffs' Courts cost, and that the excess ought to be applied towards their amelioration.

Para. 30. Remarks on Mr. Terney's opinion on the superiority of the declaration, prescribed by Act V. of 1840, over the former superstitious custom of swearing witnesses on the Koran and Ganges water.

PARAGRAPHS 31 TO 38 INCLUSIVE. ZILLAH MORADABAD.

Paras. 31 and 32. Condemn meagreness of report of Judge [C. Macsween], deem his supervision far from praiseworthy, and his performances very unsatisfactory.

Paras. 33 and 34. Notice work done in Court of Principal Sudder Ameen, and result of appeals tried from his and Judge's decisions.

Paras. 35 and 36. Describe the amount of business disposed of in the Bijnore and Sudder Ameen's Courts, as well as those of the several Moonsiffs, inability of the Court to form any opinion of the merits or demerits of the decisions of the Officers concerned attributed to silence of the Judge on the subject.

Para. 37. Alludes to recent adjustment of Moonsiffs' jurisdictions, and subjoins statement of cost of inferior judicial establishments and revenue gained by sale of stamps.

Para. 38. Refers to state of records, and to criminal prosecution of certain Officers of Judge's Court for abstracting stamped papers.

PARAGRAPHS 39 TO 49 INCLUSIVE. ZILLAH BAREILLY.

Para. 39. Describes result of civil operations of this district, as satisfactory, considering the strength of the inferior judicial agency, the changes in Judge's office, and employment of Mr. Thomas in conducting certain enquiries.

Para. 40. After adverting to distribution of civil and criminal work between Messrs. Thomas and Lean, notices performances of Judge and urges the necessity of permanently appointing an Additional Judge at Bareilly.

Paras. 41 and 42. Describe business transacted in Principal Sudder Ameen's Court, and state that Mr Ledlie's time was too much occupied by the Magisterial Authorities. Statement of result of appeals, heard by Sudder Dewanny Adawlut, not deemed necessary.

Paras. 43 and 44. Detail performances of the Sudder Ameens of Bareilly and Pillibheet and of the several Moonsiffs, and mode in which appeals from their judgments were decided.

Para. 45. Gives a statement of the cost of the inferior judicial agency, and states that the surplus revenue realized from the sale of stamps ought to be appropriated towards improving those Courts.

Paras. 46 and 47. Advert to general points noticed by Judge, viz. ill paid office of Moonsiffs, thereby excluding from it a superior class of men; and inferior qualifications of Pleaders, which evil, the Court hope soon to remedy.

Paras. 48 and 49. Refer to the operation of Act. V. of 1840, which has tended to increase perjury and mendacity, and the inadequate salary of Judge's clerk.

PARAGRAPHS 50 TO 56 INCLUSIVE. ZILLAH AGRA.

Para. 50. Describes civil business of district as on the decrease, but states that no satisfactory reason is assigned for the paucity of decisions.

Paras. 51 and 52. Notice work of Judge (J. S. Boldero), and of Principal Sudder Ameen, regular and miscellaneous, and result of appeals tried from their decisions.

Paras. 53 and 54. Detail work done by Sudder Ameen and Moonsiffs, with mode, in which appeals from their orders were decided; notice suspension of one Moonsiff for irregularities, since restored.

Para. 55. Subjoins statement of cost of Moonsiffee establishments, and amount realized from sale of stamps.

Para. 56. Shews by Appendix B. the decision of Court in a case of farming lease, in which Civil Courts are declared incompetent to interfere.

PARAGRAPHS 57 TO 63 INCLUSIVE. ZILLAH FURRUCKABAD.

Para. 57. Expresses satisfaction with mode, in which increase of civil business was met in past year.

Para. 58. Represents work done in Court of Judge (W. H. Tyler), limited use of juries in civil suits, and result of 2 appeals from his decisions.

Para. 59. Notices work of Principal Sudder Ameen, and result of appeals from his orders, and states that Mr. Mercer by his zeal and industry during the past year, has removed the stain cast on his official reputation.

Para. 60. Details work of Moonsiffs, and result of appeals from their decisions.

Para. 61. Shews cost of maintaining Moonsiffs' Courts and revenue realized from sale of stamps.

Paras. 62 and 63. Refer to a question of a general nature touched on by Judge, viz. difficulty of decree-holders to get possession of the property awarded them, which has led to issue of a Circular Order. Express satisfaction with civil administration of the district.

PARAGRAPHS 64 TO 69 INCLUSIVE. ZILLAH MYNPOOREE.

Para. 64. State of civil business compared with that of a year preceding, and results deemed creditable.

Paras. 65 and 66. Represent civil business in Court of Judge and Principal Sudder Ameen as light, and detail work done, regular and miscellaneous, by both Officers.

Para. 67. States result of a special appeal from Judge's decision.

Para. 68. Remarks on performances of the Moonsiffs, and on result of the appeals tried from their Courts.

Para. 69. States that the sum realized by sale of stamps in the Moonsiffs' Court's is less than the cost of their maintenance.

PARAGRAPHS 70 TO 78 INCLUSIVE. ZILLAH CAWNPORE.

Para. 70. States that increase of arrear on general file is not ascribable to remissness of Officers concerned, and adverts to remarks of Judge regarding cases, older than a year.

Para. 71. Shews performances of Judge (A. Spiers), and notices his opinion in regard to employment of Punchayets.

Para. 72. Describes business transacted in Principal Sudder Ameen's Court, and mode, in which appeals from it were decided by Judge and Sudder Dewanny Adawlut.

Para. 73. Shews how the appeals, heard by Sudder Dewanny Adawlut, from Judge's and Principal Sudder Ameen's decisions, terminated.

Para. 74. Sudder Ameen's work considered to shew improvement, the result of appeals from his orders, and his request to be transferred to the Lower Provinces, noticed.

Para. 75. Alludes to work done by Moonsiffs, and shows how appeals from their orders were decided.

Para. 76. Shows cost of Moonsiffs' establishments and amount realized from sale of stamps.

Paras. 77 and 78. Refer to general points noticed by Judge, viz. undefined state of the law respecting property within Cantonments, hardship incidental to alienation of property in execution of a decree, subsequently reversed in appeal, and inefficiency of Judge's English office.

PARAGRAPHS 79 TO 85 INCLUSIVE. ZILLAH FUTTEHPORE.

Para. 79. After alluding to certain correspondence, regarding abolition of this Judgeship, states that civil business of the district, has increased, owing to late Moonsiff of Hutgaon, encouraging Zumeendars to bring regular suits for recovery of land rents.

Para. 80. Notices work of Judge (H. Lushington), and of Principal Sudder Ameen, regular and miscellaneous.

Paras. 81 and 82. Refer to Mr. Lushington's opinion in operation of Regulation VI. of 1832, and state how appeals from decisions of Judge and Principal Sudder Ameen terminated.

Paras. 83 and 84. After adverting to changes of incumbency in Moonsiffs' Courts, describe performances of the Moonsiffs, and mode in which appeals from their judgments were decided. State cost of the three Moonsiffs' Courts, and amount realized from sale of stamps.

Para. 85. Regards sale of unrecorded rights and interests in land in satisfaction of decrees of Court, and commends the control exercised over the lower Courts by Mr. Lushington.

PARAGRAPHS 86 TO 91 INCLUSIVE. ZILLAH BUNDELKUND.

Para. 86. Notices want of information from this district regarding administration of past year, and attributes paucity of work to prolonged vacation of one of the Moonsiffs' Courts.

Paras. 87 and 88. Remark on work done by Judge and Principal Sudder Ameen, and on mode, in which appeals from their judgments were decided. Regulation VI. 1832, stated to be inoperative in the district.

Para. 89. Describes performances of the three Moonsiffs, and result of appeals tried from their orders, and notices other points connected with their Courts.

Paras. 90 and 91. Subjoin statement of cost of inferior Judicial Courts, and revenue obtained by sale of stamps, and allude to state of Judge's record department.

PARAGRAPHS 92 TO 99 INCLUSIVE. ZILLAH ALLAHABAD.

Para. 92. Notices favorable state of business in this district, ascribed to good superintendence of Judge (A. Lang), and activity of the subordinate Court.

Paras. 93 and 94. State performances of Judge, and result of appeals from his orders, decided by Court.

Para. 95. Notices number of cases decided by the Principal Sudder Ameen, result of appeals deemed satisfactory.

Para. 96. Adverts to regular and miscellaneous work, performed by Moonsiffs, and mode of decision of appeals from their orders.

Paras. 97 and 98. Allude to revision of jurisdiction of the Moonsiffs' Courts, and shew cost of their maintenance and amount gained by sale of stamps.

Para. 99. Refers to certain questions of a general nature, viz. inspectional tours by the Zillah Judges, and distribution of assets among several decree-holders.

PARAGRAPHS 100 TO 108 INCLUSIVE. ZILLAH GORUCKPORE.

Para. 100. After alluding to reduction in judicial establishment of this district, refers to satisfactory state of civil business, and gives credit to the officers concerned for their exertions.

Para. 101. States work done by Judge (E. A. Reade), great increase of sessions and criminal duties, reference of a point to Calcutta Court regarding the legality of a Civil Judge trying cases, on which he had in another capacity pronounced judgment, and that number of applications under Section 8, Regulation XVII. of 1806, has been reduced.

Paras. 102 and 103. Remark on work done by two Principal Sudder Ameens, commend Ahmud Hussun Khan, mention demise of Gholam Mahomed Moostuffa, and state that no appeals from their orders were decided by Sudder Dewanny Adawlut.

Para. 104. Notices work performed by Sudder Ameen, and result of appeals from his Court, with comments thereon.

Paras. 105 and 106. After alluding to nominal employment of the Moonsiffs of this district in trying petty criminal cases, describe civil business done by them, and the mode of decision of appeals from their orders.

Para. 107. Shews cost of the Moonsiff's Court, and revenue obtained from sale of stamps.

Para. 108. States that the general questions touched on by Judge have already been disposed of, and that the proposals for establishing offices in the Mofussil for registry of deeds will be hereafter attended to.

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PARAGRAPHS 109 TO 116 INCLUSIVE. ZILLAH AZIMGURH.

Para. 109. Expresses satisfaction with civil administration of this district, and eulogizes the local Officers for effecting, favorable results notwithstanding many disadvantages.

Paras. 110 and 111. Describe work performed in Judge's and Principal Sudder Ameen's Courts, and advert to result of appeals, cite also Mr. Armstrong's opinion regarding juries in civil cases.

Paras. 112 and 113. Recite work of Sudder Ameen and Moonsiffs, and result of appeals decided from their Courts, allude also to appointment of an Additional Moonsiff at Mohomedabad Ghona.

Paras. 114 and 115. Shew cost of subordinate Judicial Courts and amount realized from sale of stamps; state that Judge's records are in good order.

Para. 116. Regards value of the stamped paper to be used for engrossing petitions of summary appeal.

PARAGRAPHS 117 TO 123 INCLUSIVE. ZILLAH JOUNPORE.

Paras. 117 and 118. After noticing state of business to be favorable and creditable to Officers concerned, detail performances in various departments of Judge's Court (R. J. Tayler), and allude to rejection by Government of nomination of Serishtedar of the Civil Court to a Sudder Ameenship, with general remarks on the point.

Para. 119. Mentions work done by Principal Sudder Ameen, and result of appeals from his orders, heard by Judge of Zillah and by Sudder Dewanny Adawlut.

Para. 120. States how five special appeals from the Judge's Court terminated.

Para. 121. Describes business done by Moonsiffs, and mode, in which the appeals tried from their decisions were disposed of.

Para. 122. Shews amount realized by sale of stamps in the Moonsiffs' Courts, and cost of their maintenance.

Para. 123. Commends Mr. R. J. Tayler for his efficient supervision, and the subordinate Judicial Officers for their exertions in the administration of the district.

PARAGRAPHS 124 TO 130 INCLUSIVE. ZILLAH MIRZAPORE.

Para. 124. States that general aspect of business in this district is satisfactory.

Paras. 125 and 126. Represent work performed by Judge (A. P. Currie), together with result of appeals heard from his Court.

Para. 127. Describes work disposed of by Principal Sudder Ameen, and mode, in which appeals from his orders were decided by Zillah Judge and Sudder Court.

Para. 128. Notices Moonsiffs' regular and miscellaneous work, and result of appeals from their orders.

Para. 129. Subjoins statement of cost of inferior Judicial Courts and amount realized by sale of stamps; adverts to probability of increase of business in Chunar Moonsiffee being progressive.

Para. 130. States that records of this Judgeship are now in good order, for which praise is due to Mr. A. P. Currie.

PARAGRAPHS 131 TO 136 INCLUSIVE. ZILLAH BENARES.

Para. 131. State of civil business compared with that of preceding year, and paucity of disposals commented on.

Paras. 132 and 133. Refer to work despatched in Judge's Court, and result of appeals from it. Allude to correction of an erroneous practice of transferring interlocutory and miscellaneous appeals to the Principal Sudder Ameen for decision.

Para. 134. Shews by a tabular statement business performed in the Courts of Principal Sudder Ameen and Additional Principal Sudder Ameen, which tends to confirm the opinion entertained for reduction of one of the offices.

Para. 135. Adverts to recent adjustment of Moonsiffee jurisdictions, notices operations in Moonsiffs' Courts, and the character and qualification of the several Officers of that grade.

Para. 136. Mentions cost of the Moonsiffs' Courts, and amount realized by sale of stamps, alludes to their ill-paid ministerial agency, and to progress made in assortment of the Judge's records.

PARAGRAPHS 137 TO 144 INCLUSIVE. ZILLAH GHAZEEPORE.

Para. 137. Expresses satisfaction with civil administration of district, and with mode, in which increase of business was met in past year.

Para. 138. Describes work performed by Judge (A. C. Heyland), and in Principal Sudder Ameen's Courts, and adverts to result of appeals from latter, cites also Mr. Heyland's opinion regarding Jurors, and notices the good character which the Principal Sudder Ameen (Mohomed Zuhoor) continues to bear.

Para. 139. Shews advantage, which has resulted from creation of the office of Sudder Ameen in this district.

Paras. 140 and 141. Notice operations of Courts of Moonsiffs, and refer to certain general instructions issued to them by Zillah Judge, which Sudder Court have directed to be withdrawn.

Para. 142. Relates to Circular Order dated 24th June 1842 on the subject of bringing suits for land in co-parcenary estates, and states that Court intend inspecting a few cases.

Paras. 143 and 144. Refer to various general subjects, viz. inadequacy of amount sanctioned for providing Cutcherries for Moonsiffs, discontinuance of issue of Constructions, and intent of Circular Order No. 26, dated 1st January 1846, as affecting the sale of the rights and interests of Kushtkars in the fields held by them, in satisfaction of decrees.

PARAGRAPHS 145 TO 149 INCLUSIVE. KUMAON.

Para. 145. Shows civil business done by all the Courts of the districts in tabular form, alludes to question of competency of Commissioner to remove Moonsiffs from place to place, without obtaining sanction to the measure, and expresses hope that introduction of use of stamps will repress the litigious disposition of the hill people.

Para. 146. Describes extent of the use of "Punchayets," and difficulties opposed thereto.

Paras. 147 and 148. Represent quantum of miscellaneous business disposed of, and result of appeals, state also favorable opinion entertained by Commissioner of Mr. Ramsay's qualifications.

Para. 149. States that no further remarks are called for in regard to this district.

PARAGRAPHS 150 TO 153 INCLUSIVE. SIMLA.

Para. 150. Describes work done by Sub-Commissioner (J. C. Erskine), and Assistant (B. Hodgson) in regular and miscellaneous departments, with remarks, laudatory of latter's diligence.

Para. 151. States cause of speedy despatch of business in this jurisdiction.

Para. 152. The mode, in which appeals from Mr. Hodgson's decisions ended, not considered very satisfactory.

Para. 153. Refers to correspondence touching transfer of appellate jurisdiction to Sudder Dewanny Adawlut in respect of appeals from Sub-Commisssioner's decisions, but states that, hitherto, the arrangement has been practically inoperative.

PARAGRAPHS 154 TO 171 INCLUSIVE. SUDDER DEWANNY ADAWLUT.

Para. 154. Recites operations of Sudder Dewanny Adawlut during 1845, and states that its members were present throughout the year.

Paras. 155 and 156. Detail state of business, pending and disposed of by Court, number of appeals older than a year left undecided, and mode in which the appeals brought to completion were disposed of: also amount value of property involved therein, and in cases before the local Courts.

Paras. 157 and 158. Give numerical abstract of operations before local Courts, excluding Kumaon and Simla, with notice of character of decisions of those tribunals, in reference to result of appeals from them.

Para. 159. Remarks reduction, comparatively with year preceding, in the number of long standing suits before the whole of the Courts.

Para. 160. States that statements No. IV. and V. call for no remark, and that the details of statements No. VI. have been already noted.

Para. 161. Comments on extent, to which use was made by Judges in 1845 (less than in former years), of the agency provided by Regulation VI. 1832, with remarks on cause of diminution.

Para. 162. With advertence to Statement No. VIII. treats of the department of executing decrees, and operations of the year therein.

Para. 163. Refers to Statement Nos. IX. describing the nature of the original suits instituted in the local Courts.

Paras. 164 and 165. Relate to result of appeals, decided by Sudder Dewanny Adawlut, from local Courts, and to diminution of number of cases returned for re-trial by Court.

Para. 166. Refers to Statement No. XII. exhibiting the number of appealable causes, determined by the several grades of Judicial Officers, which were carried up in appeal to the superior Courts, and how they were disposed of.

Para. 167. States that Statements Nos. XVI. and XVII., regarding the miscellaneous department, require no comment.

Para. 168. Reports only the appointment of Mr. J. P. Ledlie to office of Principal Sudder Ameen, during the year 1845.

Para. 169. Submits a Statement, shewing the amount of costs in cases appealed to Queen in Council recovered and that still due.

Para. 170. States that Acts XIV. and XVII. of 1845 have proved advantageous to the efficiency of the Moonsiffs' Courts, and that the Court are unable to form any opinion of Act XVI. owing to its not being often acted upon: intimates that Court are framing rules for examination of candidates for office of Pleader.

Para. 171. Concludes Report with intimation that a set of Register Books for the use of the Moonsiffs' Courts will soon be issued.

G. F. EDMONSTONE,
Register.

List of Original Enclosures.

No.	1,	Letter	from	the	Offg.	Judge	of	Delhie, ...	No.	19,	dated	28th Feby., 1846.
No.	2,	ditto	„	„	ditto		of	Seharunpoor, ...	No.	11,	dated	9th March, 1846.
No.	3,	ditto	„	„	Judge		of	Meerut, ...	No.	59,	dated	28th March, 1846.
No.	4,	ditto	„	„	ditto		of	Allygurh, ...	No.	8,	dated	11th May, 1846.
No.	5,	ditto	„	„	ditto		of	Moradabad, ...	No.	14,	dated	31st March, 1846.
No.	6,	ditto	„	„	ditto		of	Bareilly, ...	No.	20,	dated	31st March, 1846.
No.	7,	ditto	„	„	ditto		of	Agra, ...	No.	57,	dated	23rd April, 1846.
No.	8,	ditto	„	„	ditto		of	Furruckabad, ...	No.	54,	dated	1st April, 1846.
No.	9,	ditto	„	„	ditto		of	Mynpoorie, ...	No.	63,	dated	12th June, 1846.
No.	10,	ditto	„	„	ditto		of	Cawnpoor,...	No.	105,	dated	23rd April, 1846.
No.	11,	ditto	„	„	ditto		of	Futtehpoor, ...	No.	10,	dated	28th Feby., 1846.
No.	12,	ditto	„	„	ditto		of	Bundelkund, & 1 Enclosure,	No.	34,	dated	8th May, 1846.
No.	13,	ditto	„	„	ditto		of	Allahabad,...	No.	9,	dated	28th Jany., 1846.
No.	14,	ditto	„	„	ditto		of	Goruckpoor, ...	No.	66,	dated	30th April, 1846.
No.	15,	ditto	„	„	Offg.	Judge	of	Azimgurh, ...	No.	—,	dated	28th Jany., 1846.
No.	16,	ditto	„	„		Judge	of	Jounpoor, ...	No.	10,	dated	7th Feby., 1846.
No.	17,	ditto	„	„	ditto		of	Mirzapoor, ...	No.	19,	dated	16th Feby., 1846.
No.	18,	ditto	„	„	ditto		of	Benares, & 1 Enclosure,	No.	45,	dated	4th March, 1846.
No.	19,	ditto	„	„	ditto		of	Ghazeepoor, ...	No.	22,	dated	30th Jany., 1846.
No.	20,	ditto	„	„	Commsr.		of	Kumaon, & 2 Enclosures,	No.	20,	dated	27th March, 1846.
No.	21,	ditto	„	„		Judge	of	Simla, ...	No.	36,	dated	5th March 1846.

G. F. EDMONSTONE,

Register.

APPENDIX A.

Extract [*paragraphs* 22 *and* 23] *of a letter addressed by order of the Court to the Secretary to the Government in the North Western Provinces, No.* 158, *dated* 15*th January*, 1844.

Para. 22. It is intended to divide the whole number of Moonsiffs into three classes, in the proportion of 1-10th of the whole to the first class receiving a salary of Rupees 200 per mensem, and of the remainder, ¼ to a second and ¾ to a third class, with a salary respectively of 150 and 100 Rupees per mensem. Considering the extensive powers, which it is proposed to confer on the Moonsiffs, and the great importance of removing every temptation to dishonesty and partiality in discharging their functions, the Court would much prefer, "if the state of the public finances should admit of it," the division of Moonsiffs into two classes, the lowest salary assigned to such Officer being Rupees 150; the Moonsiffs, in their Judicial capacity, are amenable to no power, but the power of the Law, which they are appointed to administer, their decisions in civil suits, though not final, may be productive of great temporary injury to rights and property, the criminal powers now proposed to be conferred on them, may, if they are so disposed, be frequently converted into an instrument of oppression, and therefore it is of the utmost importance, that the respectability and dignity of the office should be maintained at any reasonable cost: why then a salary, inferior to that of Tehseeldars, whose every act is of a vicarious nature, and may be summarily over-ruled by the mere will and opinion of his superior, should be assigned to them, the Court cannot conjecture, unless indeed this anomaly in principle be referrible to the necessities of the state; the relative duties of the two classes of subordinate Officers will not bear comparison. In like manner, the measure of stopping promotion among the Moonsiffs (paragraph 63) until the excess of charge arising from the continuance of superior allowances to Sudder Ameens transferred, be got rid of by lapses among the number of the latter, may be supported by views of expediency and economy, but hardly of justice.

23. The numerical inefficiency of the Moonsiffs' establishments, necessitated by the inadequacy of the allowance hitherto made to them for that purpose, has been frequently a subject of complaint, and has, there is little doubt, interfered very considerably with celerity and punctuality in the performance of the details of their duty: these details will if the views of the Law Commissioner be carried out, be largely increased, by the extension of their authority in the trial of civil suits, and by the imposition of criminal jurisdiction, and the sum* proposed to be allowed for establishment will be found, the Court conceive, insufficient to provide for the additional aid which will be needed; the Court cannot deliberately recommend that a smaller allowance than Rupees 80 should be granted for the establishment of each Moonsiff, and they desire to urge strongly upon Government the necessity of a liberal provision in this respect; Rupees 80 per mensem has been hitherto permitted to be appropriated to this purpose by Sudder Ameens, and there is every reason for making an equally liberal allowance for the establishment of those Officers, to whom, on the introduction of the new arrangement, will be committed powers, and duties, both in the civil and criminal department, equivalent to those hitherto exercised and performed by their predecessors.

* Rupees 50 per mensem.

(True Extract.)

G. F. EDMONSTONE,
Register.

APPENDIX B.

SPECIAL APPEAL.

Full Court.

IMAM BUKSH AND IMAMOOLLAH, SPECIAL APPELLANTS, [DEFENDANTS].

versus,

SYUD FURZUND ALI, CHIRAGH ALI AND HOORMUT ALI, RESPONDENTS, [PLAINTIFFS].

The Respondents sued the two special appellants and a third defendant, named Shadee, for possession with mutation of names in the Collector's Books, of the proprietary right of 9 Biswas 7½ Biswansees in Mouzah Shukurea, under a deed of sale dated 16th Mohurrum 1257 Hijree, executed by the three defendants named above and Azeemoollah, who is proved to be a minor and was not made a defendant. The Sudder Ameen of Moradabad dismisses the case. The Principal Sudder Ameen on appeal decrees in reference to the special appellants alone, making no mention of Shadee, and to this effect that although the names of the two special appellants are not entered in the Revenue Registers as holders of proprietary right in the estate, yet as the settlement was made with them as farmers on the ground of long possession, the plaintiffs may hold such right as may pertain to those two persons, which he accordingly decrees, and he instructs the Collector to insert the names of the respondents, the plaintiff's, in lieu of the two special appellants in such mode and for such right as their names may be registered for.

A special appeal was granted to try whether the Principal Sudder Ameen's decree is not contrary to Law and the practice of the Courts—thus, 1st. Whether as the deed of sale is without specification of the respective rights of each seller in the property sold, a decree can pass under such deed for anything less than the entire property sold, and if circumstances such as occur in this case operate to prevent a decree passing for the whole property sold whether the suit must not be dismissed—2nd. Whether the Principal Sudder Ameen could legally direct the substitution of the plaintiffs for the parties with whom Government in the Revenue Department had made a farming contract.

The case having came on for trial before a full Court, the Court having duly considered the matter before them, are of opinion, with reference to the 1st point requiring determination, that it does not arise in this case, inasmuch as they find that the suit is brought for possession of proprietary right under a deed of sale, but no decree is passed in conformity with this claim, but merely for such sort of right as may be vested in them. In regard to 2nd point, the Court are clearly of opinion that as the special appellants hold present possession of the litigated property in virtue of a contract, vizt. a Lease in Farm, the parties to which contract are Government on the one side and the special appellants on the other, any interference by the Courts to alter the terms of this contract by striking out the names of those parties, with whom Government contracted, and substituting others, with whom the Government did not enter into contract, is illegal and must be inoperative and the Court therefore reverse this part of the Principal Sudder Ameen's decision, and declare that his decree cannot be carried into execution at all. Each party to pay their costs.

(True Copy)

G. F. EDMONSTONE,
Register.

29th December 1845.

APPENDIX C.

STATEMENT shewing the number of APPEALS to England from decisions passed in cases arising in the NORTH WESTERN PROVINCES, the nature of the judgment of the PRIVY COUNCIL, the amount of Costs incurred and recovered on account of the HON'BLE COMPANY and of Sundry other particulars.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Number.	*Appellants.*	*Respondents.*	*Matter in Litigation.*	*Value of Property in Litigation.*	*Amount of Security.*	*Charges incurred on account of Appellant.*	*Charges incurred on account of Respondent.*	*Amount realized on account of Appellant.*	*Amount realized on account of Respondent.*	*Balance due from Appellant.*	*Balance due from Respondent.*	*Expenses how realized.*	*Party in possession of Property in Litigation.*	*Appeal how disposed of and when.*	*Remarks.*
C. 1220	Rajah Hoorsuchul Sing, Plaintiff.	Rance Bheekoorun and on her death Koowour Ghumoorn Sing.	Talooka Beerokullun, comprising 37 Mouzahs and 5 Biswa.	62,000 0 0	5,000	13,731 6 10	11,927 5 4½	5,329 9 6	307 2 6	8,449 15 10	11,620 2 10½	Costs of Appellant 250-9-0 recovered by sale of firmaund and Chattels, and 4,800 rupees from the proceeds of the Estate which appears to have passed into Appellant's hands. Costs of Respondent. The whole 307-2-6 realized by sale of property.	Defendant Respondent continued in possession.	The Decree of the Sudder Court as regards the rejection of Plaintiff's claim upheld and touching the acknowledgment of Defendant's right reversed by Privy Council, on the 24th January, 1834.	The Decree is still in execution under the management of the Government Vakeel.
C. 1877	Baboo Ramchurn Lall Mookhtar of Mudho Sahay and Bunne Sahay, Defendants.	Hurkishen Dass, Plaintiff.	Money on Account.	65,330 0 0	5,000	6,756 12 9	7,851 6 9	5,175 3 10½	7,851 6 9	3,580 8 0	.. ..	The Costs were realized in execution of the judgment of the Privy Council.	The Sudder Decree was not put into execution.	The Case was remanded by the Privy Council for further investigation, and was struck of the file on Default. Date of the order of the Privy Council, 6th March, 1834.	The Government Vakeel has not pointed out any property belonging to Appellant since the case was struck off the file on realisation of the 5,175 3 10½
W 329	Rewuneshad, Defendant.	Radha Beben, Plaintiff.	Inheritance.	1,66,150 0 0	10,000	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	Possession given to Respondent in execution of decree.	Depending.	Papers sent to Government for transmission to England, on 22nd May, 1842.
W 482	Baboo Begum alias Khoord Mahal, Defendant.	Roshun Ali Khan and others, Plaintiffs.	Stipend bequeathed by unacceptary Will.	49,800 0 0	25,000	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	Depending.	Under translation.
W. 1258	J. R. Douglas, Member on the part of Government Executors to the Estate of Baboo Jykishen Dass.	Collector of Benares and Shaik Ghulam Mohamed.	Sale proceeds of landed Estates claimed under a Mortgage.	99,000 0 0	25,000	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	.. ..	Depending.	Papers sent to Government for transmission to England on the 11th June, 1844.

G. F. EDMONSTONE,
Register.

No. 1.

Report of Causes depending on the 1st January 1846, and of the number admitted and disposed of during the year 1845 in the several Civil Courts in the North Western Provinces.

1	2		3		4		5		6		7		8		9		10		11		12		13		14		15		16		17		18		19		20		21	
N. B.—The figures in black ink indicate Original Suits, and those in red ink, in the right hand Columns, Appeals.	Pending on the 1st January 1845.		Instituted during the year.		Received by Transfer during the year.		Total.		Transferred to other Courts.		Remaining for Trial.		FINALLY DISPOSED OF.																									
													Decided on Trial.												Total of Cases decided on Trial.		Dismissed on default.		Adjusted or withdrawn.		Total of every description finally disposed of.		Pending at the end of the year.		Increase.		Decrease.	
													For Plaintiff or Appellant.				*For Defendant or Respondent.*																			
													On their merits after hearing Respondents.		Remanded for re-trial.		Total.		Without Summoning Respondent under Clause 3, Section 16, Regulation V, 1831, Section 2, Regulation IX, 1831, and Act VII, 1838.		On perusal of the petition of appeal and Decree of the Lower Courts.		On perusal of petition of appeal and record.		Total.											
	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.
Delhie,	465	24	5233	334	63	109	5761	467	23	128	5738	384	1933	118	0	39	1933	145	503	141	0	0	0	37	503	108	2436	344	312	0	2559	15	5307	559	431	25	0	1	34	9
Saharunpore,	1122	197	4536	245	262	14	5922	526	183	0	5739	526	1907	48	0	21	1907	69	434	87	0	14	0	0	434	177	2341	246	301	23	1861	32	4503	292	1234	305	112	9	0	34
Meerut,	1274	183	4878	503	141	231	6293	917	160	283	6133	477	2229	93	0	10	2229	103	355	40	0	29	0	0	355	109	2534	202	794	24	1877	23	5145	388	988	129	0	0	286	52
Allygurh,	920	176	4775	505	118	152	5813	833	78	150	5735	532	3061	139	0	25	3061	155	268	176	0	6	0	0	268	182	3329	207	308	23	1221	25	4948	386	787	95	0	133	59	0
Moradabad,	2186	176	7063	666	834	507	10083	1407	815	574	9568	833	3825	203	0	16	3825	219	643	209	0	20	0	0	643	409	4468	628	777	16	1937	20	7182	714	2386	149	200	0	0	57
Bareilly,	1855	168	7015	826	182	240	9056	1034	172	206	8884	828	3243	99	0	14	3243	113	690	106	0	30	0	0	690	136	3933	242	692	19	1943	2	6568	312	2316	284	463	138	0	0
Agra,	536	9	2693	132	25	6	3164	167	14	1	3150	166	1311	27	0	6	1311	33	403	59	0	0	0	0	403	59	1714	125	244	9	590	7	2546	132	602	34	66	35	0	0
Furruckabad,	501	58	3892	326	230	72	4623	456	262	71	4401	385	2047	62	0	4	2047	66	299	74	0	0	0	0	299	74	2121	140	287	14	1009	5	3642	265	759	115	258	62	0	0
Mynpooree,	375	33	2299	104	89	119	2734	257	64	16	2670	241	1272	52	0	9	1272	61	162	37	0	0	0	0	162	37	1454	104	203	7	618	7	2255	148	438	93	63	0	0	1
Cawnpore,	1277	104	2717	361	82	151	4076	616	2	37	2561	468	1240	99	0	37	1240	136	242	189	0	0	0	0	242	189	1482	215	293	22	575	7	2069	218	501	194	124	21	0	0
Futtehpore,	160	104	1325	131	57	4	1542	241	20	0	1522	241	725	57	0	0	725	57	155	105	0	0	0	0	155	117	880	105	103	10	237	6	1210	211	332	152	0	0	74	0
Bundeleund,	137	22	1404	144	33	55	1574	221	2	50	1572	179	670	50	0	5	670	45	108	56	0	0	0	0	108	91	778	136	185	7	298	3	1261	146	311	33	174	11	0	0
Allahabad,	401	79	2420	317	82	93	2903	479	43	74	2860	348	1660	112	0	27	1660	139	232	103	0	0	0	0	232	103	1892	214	176	5	396	10	2464	329	396	19	0	0	5	10
Goruckpore,	1007	208	4424	664	412	307	6003	1416	353	402	5649	914	2566	263	0	13	2566	276	662	289	0	0	0	0	662	289	3168	628	325	62	668	7	4161	704	1479	182	392	0	0	95
Azimgurh,	1035	180	2198	496	878	63	4111	649	896	54	3215	595	1067	95	0	18	1067	113	431	158	0	0	0	0	431	253	1498	349	332	9	224	5	2054	369	1221	235	186	55	0	0
Jounpore,	617	121	2132	294	94	107	2843	522	57	109	2786	522	1154	106	0	10	1154	116	414	149	0	0	0	0	414	149	1568	205	225	8	178	18	1971	424	815	103	198	0	0	21
Mirzapore,	360	17	1114	115	19	5	1493	137	3	0	1490	141	678	27	0	0	678	27	252	40	0	0	0	0	252	40	809	121	178	0	58	0	1000	161	296	36	34	1	0	0
Benares,	505	179	1924	289	346	114	2775	582	280	119	2495	445	1112	62	0	6	1112	68	433	74	0	7	0	0	433	132	1545	245	108	12	263	12	1856	265	639	176	134	4	0	90
Ghazeepore,	540	209	2079	812	138	805	3657	1403	64	303	3593	1099	1859	187	0	52	1859	239	524	346	0	0	0	0	524	346	2383	774	96	30	387	11	2866	815	791	284	187	0	0	1
Total,	14551	2274	64743	6725	6063	3080	83357	12079	3434	3064	76923	8063	33429	1795	0	382	33429	2287	7169	2775	0	21	0	1254	7169	4050	45589	6307	5879	280	16029	196	63097	6709	16836	2274	2273	0	0	0
Kumaon,	1481	207	6962	759	2702	164	11145	1441	2686	0	8459	1073	1170	123	0	41	1170	164	440	151	0	0	0	261	440	516	1610	681	4509	226	1156	40	7275	796	1184	327	0	60	207	0
Sulusthee,	2	0	776	46	0	0	778	46	0	0	778	46	342	14	0	16	342	27	49	18	0	0	0	0	49	18	391	42	250	1	136	0	777	43	1	0	0	1	0	1
Grand Total, ..	16034	2561	72481	7638	6765	3125	95289	13214	6120	3132	86160	10192	34941	2029	0	491	34941	2479	7649	2944	0	282	0	1339	7649	4754	49589	7033	10638	312	17921	290	71149	7181	18011	2881	1977	40	0	0

Sudder Dewanny Adawlut North Western Provinces, Agra, the 6th June 1846.

G. F. EDMONSTONE, *Register.*

No. 1.—Part 2.

Statement of the operations of the Civil Courts in the North Western Provinces, classified with reference to the several grades of Officers.

1	2		3		4		5		6		7		8		9		10		11		12		13		14		15		16		17		18		19		20		21	
													Finally Disposed of.																									
													Decided on Trial.																									
													For Plaintiff or Appellant.						*For Defendant or Respondent.*																			
													On their merits.		Remanded for re-trial.		Total.		On their merits after Summoning Respondents.		Without Summoning Respondent under Clause 3, Section 16, Regulation V. 1831, Section 2, Regulation IX. 1831, and Act VII. 1838.				Total.		Total of Cases decided on Trial.		Dismissed on default.		Adjusted or withdrawn.		Total of every description finally disposed of.		Pending at the end of the year.		Increase.		Decrease.	
																					On perusal of the petition of appeal and Decree of the Lower Courts.		On perusal of petition of appeal and record.															
	Pending on the 1st January 1845.		Instituted during the year.		Received by Transfer during the year.		Total.		Transferred to other Courts.		Remaining for Trial.																											
	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.
19 Judges,	4	1064	88	6753	492	94	584	8471	572	2816	12	5655	7	919	0	342	7	1261	2	1181	0	21	0	1224	2	2426	9	3687	0	157	1	136	10	3980	2	1675	0	11	2	0
22 Princ. Subr. Amens.	973	619	2254	0	1045	2946	4274	3565	221	148	4053	3417	1081	976	0	59	1081	1035	667	1504	0	0	0	0	667	1504	2348	2030	226	129	452	69	3026	2899	1027	599	52	0	11	0
14 Subdor Amens,	1339	0	5668	0	1255	0	8262	0	206	0	8056	0	2951	0	0	0	2951	0	810	0	0	0	0	0	810	0	3761	0	541	0	1998	0	6300	0	1756	0	417	0	0	0
97 Moonsiffs,	12233	0	56733	0	1271	0	70237	0	2435	0	67802	0	28700	0	0	0	28700	0	5681	0	0	0	0	0	5681	0	34471	0	5112	0	14178	0	53761	0	14041	0	1808	0	0	0
Total,	14551	2074	64743	6753	4063	3040	83357	12027	3434	2964	79923	9063	33429	1895	0	392	33429	2287	7160	2775	0	21	0	1224	7160	4020	40589	6307	5879	280	16629	196	63097	6789	16826	2274	2275	0	0	0
1 Commissioner,	3	144	435	261	7	22	445	427	3	1	442	426	52	41	0	35	52	76	25	68	0	126	0	52	25	246	77	322	258	11	106	19	441	352	1	174	0	39	2	0
1 Sub-Commissioner,	2	0	8	46	0	0	10	46	0	0	10	46	6	11	0	16	6	27	1	18	0	0	0	0	1	18	7	45	0	1	2	0	9	46	1	0	0	0	1	0
2 Senior Assistants,	138	59	2732	398	277	41	3147	498	1547	62	1600	436	172	59	0	7	172	66	148	68	0	32	0	32	148	232	239	268	209	5	258	13	1487	286	113	150	0	91	25	0
1 Junior Assistant,	428	84	895	0	162	16	1485	100	794	5	781	95	72	19	0	1	72	20	18	8	0	53	0	0	18	61	90	81	447	5	198	18	735	94	46	1	0	0	382	93
3 Subdor Ameens,	536	0	3350	0	819	16	4705	16	373	0	4334	16	824	3	0	0	824	3	207	7	0	0	0	0	207	7	1031	10	2116	4	485	0	3832	14	702	2	166	2	0	0
2 Moonsiffs,	376	0	318	0	1437	0	2131	0	91	0	2070	0	386	0	0	0	386	0	90	0	0	0	0	0	90	0	476	0	1029	0	243	0	1748	0	322	0	0	54	0	0
Grand Total,	16034	2561	72481	7528	6765	3125	95280	13314	6129	3032	89160	10182	34941	2028	0	451	34941	2479	7649	2944	0	282	0	1328	7649	4534	42960	7033	10638	312	17921	236	71149	7581	18011	2601	1977	40	0	0

Remarks & Relations.

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 6th June, 1846.

G. F. EDMONSTONE,
Register.

No. 2.

Abstract Statement shewing the years in which were originally instituted Regular suits and Appeals depending before the Sudder Dewanny Adawlut, the Judges, Principal Sudder Ameens, Sudder Ameens and Moonsiffs in the North Western Provinces, on the 1st of January 1846.

	1838.		1839.		1840.		1841.		1842.		1843.		1844.		1845.		Total.	
Sudder Dewanny Adawlut, N. W. P.	0	0	0	0	0	0	0	0	0	0	0	1	0	8	0	108	0	117
Regulation Provinces.	0	3	0	2	1	0	2	0	1	0	5	3	35	12	16782	2254	16826	2274
Hill Provinces.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1185	327	1185	327
Total.....	0	3	0	2	1	0	2	0	1	0	5	4	35	20	17967	2689	18011	2718

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 6th June, 1846.

No. 3.

Statement shewing the period which would elapse before the decisions of the Regular Suits depending on the 1st January 1846, if calculated according to the total number disposed of in the several Courts in the North Western Provinces, during the year 1845.

	Depending on the 1st January, 1846.	Disposed of during the year 1845.	Average period which would elapse before the decisions of the number of suits depending in each Court according to the foregoing Statement of the number disposed of in the past year.
Sudder Dewanny Adawlut, ...	117	241	5·825 Months.
Zillah Judges, ...	1677	3990	5·043 Months.
Principal Sudder Ameens, ...	1626	5835	3·343 Months.
Sudder Ameens, ...	1756	6300	3·344 Months.
Moonsiffs, ...	14041	53761	3·134 Months.
Total, ...	19217	70127	3·288 Months.
Kumaon, ...	1511	8021	2·260 Months.
Subathoo, ...	1	823	·014 Months.
Total, ...	20729	78971	3·149 Months.

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 6th June, 1846.

No. 4.

Statement shewing the total value or amount of Regular Suits whether Original or in Appeal depending in the several Civil Courts in the North Western Provinces, on the 1st January 1846.

	Original Suits.					Appeals.			Grand Total.
	Judges.	Principal Sudder Ameens.	Sudder Ameens.	Moonsiffs.	Total.	Judges.	Principal Sudder Ameens.	Total.	
	Total value of cases pending at the close of 1845.	Total value of cases pending at the close of 1845.	Total value of cases pending at the close of 1845.	Total value of cases pending at the close of 1845.	Total value of cases pending at the close of 1845.	Total value of cases pending at the close of 1845.	Total value of cases pending at the close of 1345.	Total value of cases pending at the close of 1845.	Total value of cases pending at the close of 1845.
Sudder Dewanny Adawlut, N. W. P.	0	0	0	0	0	0	0	2683988	2683988
Delhie,	0	667893	17444	23843	709180	8570	0	8570	717750
Saharunpore,	0	142157	0	87946	230103	47685	0	47685	277788
Meerut,	0	95769	36229	70126	202124	56005	1950	57955	260079
Allygurh,	0	201093	28247	43917	273257	61121	1313	62434	335691
Moradabad,	0	17619	32509	154071	204199	46370	5919	52289	256488
Bareilly,	0	157226	93139	36991	287356	60475	24902	85377	862733
Agra,	0	57611	10924	37315	105850	8316	0	8316	114166
Furruckabad,	0	28402	0	43160	71562	15624	3488	19112	90674
Mynpooree,	0	45624	0	21983	67607	30952	873	31825	99432
Cawnpore,	0	137559	34646	32014	204219	34415	10037	44452	248671
Futtehpore,	0	42570	0	17808	60378	11665	0	11665	72043
Bundelkund,	0	21324	0	22959	44283	24890	307	25197	69480
Allahabad,	5	146086	0	27936	174027	5413	0	5413	179440
Goruckpore,	0	61455	36638	135198	233291	54887	249	55136	288427
Azimgurh,	0	105858	62851	50786	219495	46908	2679	49587	269082
Jounpore,	4999	155332	0	32937	193268	34277	399	34676	227944
Mirzapore,	0	200376	0	22085	222461	15549	0	15549	238010
Benares,	0	609102	0	42850	651952	48093	1105	49198	701150
Ghazeepore,	0	214756	37334	43747	295837	51900	8463	60363	356200
Total	5004	3107812	389961	947672	4450449	663115	61684	3408787	7859236
	Commissioner.	Senior and Junior Assistants.				Commissioner.	Senior and Junior Assistants and S. Ameens.		
Kumaon,	30	14475	24003	6237	44745	34526	5985	40511	85256
Subathoo,	2902	0	0	0	2902	0	0	0	2902
Grand Total	7936	3122287	413964	953909	4498096	697641	67669	3449298	7947394
Deduct Sudder Dewanny Adawlut, North Western Provinces.	0	0	0	0	0	0	0	2683988	2683988
Zillah and City Judges and Commissioner Kumaon.	7936	3122287	413964	953909	4498096	697641	67669	765310	5263406

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 6th June 1846.

G. F. EDMONSTONE,

Register.

No. 5.

Abstract Statement required by the Government Resolution under date the 19th May, 1825.

	Delhi.	Saharunpore.	Meerut.	Allygurh.	Moradabad.	Barelly.	Agra.	Furruckabad.	Mynpooree.	Cawnpore.	Futtehpore.	Bundelkund.	Allahabad.	Goruckpore.	Azimgurh.	Jounpore.	Mirzapore	Benares.	Ghazeepore.	Kumaon,	Subathoo.	Total.
Abstract statement of regular suits instituted in 1845, with the view of setting aside Summary Suits.	12	5	48	14	41	0	0	10	53	7	0	25	19	49	96	92	0	17	28	0	0	516
Number of cases which the Moonsiffs were precluded from receiving in consequence of the claim being advanced in formâ pauperis.	5	9	0	0	0	49	0	1	0	8	0	0	0	3	0	0	0	0	0	0	0	75

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut,
North Western Provinces,
Agra, the 6th June, 1846.

No. 6.

General Abstract Report of Appeals depending before the Court of Sudder Dewanny Adawlut, North Western Provinces, on the 1st January 1846, and of the number admitted and disposed of in the year, 1845.

	Depending on 1st January, 1845.	Admitted in the last 12 months.	Total.	Decided on Trial.			Remanded for re-trial.	Dismissed on default.	Adjusted or withdrawn.	Total.	Depending on 1st January, 1846.	Increase.	Decrease.
				Confirmed.	Reversed.	Modified.							
Regular Appeals,	87	97	184	29	18	20	15	7	10	99	85	0	2
Special Appeals,	46	128	174	33	32	7	68	2	0	142	32	0	14
Total 1845,	133	225	358	62	50	27	83	9	10	241	117	0	16
1844, ..	120	254	374	62	64	10	107	13	3	241	133	13	0
Increase, ...	13	0	0	0	4	17	0	0	7	0	0	0	0
Decrease, ...	0	29	16	0	0	0	24	4	0	0	16	0	0

Memorandum shewing the number of Cases finally disposed of, and opinions not being final judgments recorded by the several Judges of the Sudder Dewanny Adawlut in 1845.

FINAL JUDGMENT.

	Regular.	*Special.*	*Opinions.*	*Total.*
Mr. B. Tayler, ...	63	86	1	150
Mr. G. P. Thompson, ...	69	96	1	166
Mr. J. Davidson, ...	62	112	1	175
Mr. J. F. M. Reid, [Calcutta Court,]	0	1	0	1
	194	295	3	492

Amount Value of 241 Cases decided during the year, 21,59,816.

Specification of the value of Appeals, Regular and Special, depending before the Court of Sudder Dewanny Adawlut, North Western Provinces, on the 1st January, 1846.

Not exceeding Rs. 300	21	Amount or Value 2228
,, ,, 1,000	9	,, 5,917
,, ,, 5,000	15	,, 39,190
,, ,, 10,000	29	,, 2,10,594
Excdg. 10,000	43	,, 24,26,059
Total, ..	117	26,83,988

S. D. A. N. W. P.
Agra, the 6th June, 1846.

G. F. EDMONSTONE,
Register.

No. 7.

Statement of Civil suits tried with the assistance of Natives under Regulation VI. of 1842, *during the year,* 1845.

Zillahs.	Suits tried with the assistance of a Punchayut.			Suits tried with the assistance of Assessors.			Suits tried with the assistance of a Jury.			Remarks.
	Number decided in accordance with the award of the Punchayut.	Number decided contrary to the award of the Punchayut.	Total.	Number decided in accordance with the award of the Assessors.	Number decided contrary to the award of the Assessors.	Total.	Number decided in accordance with the verdict of the Jury.	Number decided contrary to the verdict of the Jury.	Total.	
Delhie, ...	0	0	0	0	0	0	0	0	0	
Saharunpore, ...	0	0	0	0	0	0	0	0	0	
Meerut, ...	0	0	0	0	0	0	0	0	0	
Allygurh, ...	0	0	0	0	0	0	0	0	0	
Moradabad, ...	0	0	0	0	0	0	0	0	0	
Bareilly, ...	0	0	0	0	0	0	1	0	1	
Agra, ...	0	0	0	0	0	0	0	0	0	
Furruckabad, ...	4	0	4	0	0	0	37	3	40	
Mynpooree, ...	1	0	1	0	0	0	0	0	0	
Cawnpore, ...	0	1	1	0	0	0	3	0	3	
Futtehpore, ...	26	0	26	2	0	2	0	0	0	
Bundelkund, ...	0	0	0	0	0	0	0	0	0	
Allahabad, ...	29	1	30	0	0	0	2	0	2	
Goruckpore, ...	0	0	0	0	0	0	0	0	0	
Azimgurh, ...	0	0	0	4	0	4	0	0	0	
Jounpore, ...	0	0	0	0	0	0	0	0	0	
Mirzapore, ...	0	0	0	0	0	0	0	0	0	
Benares, ...	0	0	0	2	0	2	0	0	0	
Ghazeepore, ...	0	0	0	2	0	2	0	0	0	
Total, ...	60	2	62	10	0	10	43	3	46	
Kumaon, ...	41	1	42	11	0	11	0	0	0	
Subathoo, ...	0	0	0	7	0	7	0	0	0	
Grand Total, ..	101	3	104	28	0	28	43	3	46	

Sudder Dewanny Adawlut,
North Western Provinces,
Agra, the 6th June, 1846.

G. F. EDMONSTONE.

Register.

No. 8.

Statement of unexecuted Decrees pending in the several zillahs of the North Western Provinces, on the 1st January, 1846.

Zillahs.	Before the Judges.	Before the P. S. Ameens.	Before the S. Ameens.	Before the Moonsiffs.	Total of unexecuted Decrees.
Delhie, ...	1	22	17	201	241
Saharunpore, ...	6	130	0	913	1049
Meerut, ...	2	40	63	484	589
Allygurh, ...	0	119	106	540	765
Moradabad, ...	0	26	72	1048	1146
Bareilly, ...	11	57	164	960	1192
Agra, ...	9	40	34	410	493
Furuckabad, ..	0	101	0	402	503
Mynpooree, . .	0	38	0	233	271
Cawnpore, ...	2	81	94	285	462
Futtehpore, ...	2	62	0	184	248
Bundelkund, ..	0	48	0	228	276
Allahabad, ...	0	162	0	451	613
Goruckpore, ..	10	30	109	425	574
Azimgurh, ...	1	79	92	301	473
Jounpore, ...	10	50	0	264	324
Mirzapore, ...	9	118	0	188	315
Benares, ...	1	218	0	349	568
Ghazeepore, ...	21	45	52	291	409
Total, ...	85 Comr.	1466 Sr. & Jr. Assts.	803	8157	10511
Kumaon, ...	2	146	123	0	271
Subathoo, ...	1	0	0	0	1
Grand Total, ...	88	1612	926	8157	10783

G. F. EDMONSTONE,

Register.

S. D. A. N. W. P.
Agra, the 6th June, 1846.

Statement of the different descriptions of Original Suits instituted before the several Judges, Principal Sudder Ameens, Sudder Ameens and Moonsiffs, in the N. W. Provinces, during the year, 1845.

Zillahs	1 Suits connected with land interest.	2 Suits for real property on conveyance, by Sale.	3 Suits for real property on conveyance, by Gift.	4 Suits for real property on conveyance, by Mortgage.	5 Suits for real property on conveyance, by Will.	6 Suits for real property on conveyance, by Dowry.	7 Suits for real property on right of pre-emption.	8 Inheritance under the Mahomedan Law.	9 Inheritance under the Hindoo Law.	10 Claims to right of adoption.	11 Lakhiraj suits under Section 30, Regulation II., 1819.	12 Suits regarding Puttee and other dependant Tenures.	13 Suits contest sales by Collectors for arrears of Govt. dues.	14 Suits for Land not before included, such as Boundary suits, &c.	15 Debts on Bond or otherwise.	16 Suits of Bankers and Traders.	17 Religious Suits connected with Pt. rights of Priests, &c.	18 Damages for breach of Contract.	19 For recovery of money embezzled.	20 Wages.	21 Suits connected with Indigo, Sugar, Silk, and other staple products.	22 Suits for personal property not before included.	23 Suits for defamation of Character.	24 Remarks.
Delhie, ...	64	94	12	49	0	9	8	47	52	0	0	10	0	98	2274	2100	1	10	3	40	31	331	0	
Saharunpore, ..	156	31	1	44	0	1	18	56	81	0	0	2	1	0	3747	166	1	0	0	33	0	200	0	
Meerut, ...	165	146	11	40	0	0	1	3	6	1	3	34	10	14	2336	1931	1	0	0	1	8	167	0	
Allygurh, ...	224	55	15	43	0	0	0	6	23	0	10	0	1	71	4033	121	1	28	0	4	33	107	0	
Moradabad, ...	761	163	10	77	0	0	4	81	104	0	3	4	2	20	5703	25	0	13	14	30	31	318	0	
Barelly, ...	410	175	14	128	0	4	1	44	70	0	3	0	10	210	5098	86	2	23	21	16	60	640	0	
Agra, ...	174	78	3	46	0	1	44	0	1	3	2	6	6	3	1563	396	1	3	86	6	89	92	0	
Furruckabad, ..	215	116	4	64	2	1	2	46	47	0	0	9	2	34	2515	428	2	0	5	15	212	213	0	
Mynpooree, ...	212	20	0	23	0	0	1	0	0	1	0	54	0	30	1681	151	3	1	0	6	10	106	0	
Cawnpore, ...	160	50	4	28	1	1	0	15	103	1	0	3	1	34	1514	2	6	8	13	12	9	152	0	
Futtehpore, ...	289	110	4	34	5	0	3	17	24	9	0	0	0	0	636	180	0	5	7	2	0	0	0	
Bundelkund, ...	172	115	3	28	0	0	1	0	3	0	0	30	2	10	930	4	1	0	1	2	6	96	0	
Allahabad, ...	414	101	11	29	0	9	10	13	4	0	0	77	0	20	1406	94	0	18	23	84	19	88	0	
Goruckpore, ...	420	404	14	201	0	4	10	9	4	0	0	248	0	164	2373	82	5	103	20	8	32	393	0	
Azimgurh, ...	380	292	9	21	1	1	9	46	154	2	0	0	0	94	567	101	0	46	0	3	54	418	0	
Jounpore, ...	964	22	1	5	0	0	4	13	12	1	0	43	2	69	746	1	2	2	7	2	75	161	0	
Mirzapore, ...	186	38	10	42	0	0	0	8	34	0	1	3	0	0	525	77	11	19	4	14	8	134	0	
Benares, ...	437	42	0	153	0	4	33	2	10	0	1	0	1	73	821	97	3	2	20	8	32	185	0	
Gazeepore, ...	912	20	1	14	0	0	18	10	98	1	0	7	5	143	1241	120	15	3	7	8	46	310	0	
Total, ...	6715	2072	127	1069	9	35	167	416	830	19	23	530	43	1087	39709	6162	55	284	231	294	755	4111	0	
Kumaon, ...	853	63	6	86	11	8	48	0	509	4	0	267	0	5	3730	501	27	265	14	68	332	165	0	
Subathoo, ...	0	0	0	0	0	14	0	0	0	0	0	0	0	2	703	20	0	2	7	25	0	0	3	
Zillah and City Courts, ...	7568	2135	133	1155	20	57	215	416	1339	23	23	797	43	1094	44142	6683	82	551	252	387	1087	4276	3	
S. D. A. Instituted in 1845	39	28	2	27	0	3	2	11	9	0	0	6	1	1	36	15	3	7	1	8	4	22	0	
Disposed of	43	33	0	32	1	4	1	10	11	0	0	5	1	2	34	18	4	13	2	8	4	15	0	

S. D. A., N. W. P.,
AGRA,
The 6th June, 1846.

G. F. EDMONSTONE,
Register.

No. 11.

Abstract Statement of Appeals decided by the Sudder Dewanny Adawlut, N. W. Provinces, during the year 1845.

NAMES.	ZILLAHS.	Number of Suits.	Confirmed on perusal of the Petition.	Confirmed after summoning the Respondent.	Ordered back for re-trial.	Judge's order Modified.	Judge's order Reversed.	Dismissed on Default.	Adjusted.
Mr. J. P. Gubbins, ...	Delhie, ...	8	0	1	2	1	4	0	0
Mr. C. Lindsay, ...	Delhie, ...	5	0	0	2	1	2	0	0
Moulvee Mohd. Sudroodeen Khan Bahadoor, P. S. A.	Delhie, ...	4	0	1	2	0	1	0	0
Moulvee Mahomed Hosein Khan, ... P. S. A.	Saharunpore, ..	5	0	3	2	0	0	0	0
Nawab Mahomed Ubdoolah Khan, ... P. S. A.	Meerut, ...	7	1	0	5	0	0	0	1
Mr. M. J. Tierney, ...	Allygurh, ...	3	0	0	1	0	2	0	0
Syud Vilaet Ally Khan Bahadoor, ... P. S. A.	Allygurh, ...	4	1	1	0	0	1	0	1
Mr. C. Macsween, ...	Moradabad, ..	2	1	0	1	0	0	0	0
Moulvee Mahomed Kureemoolah Khan, ... P. S. A.	Moradabad, ..	3	0	1	0	0	2	0	0
Mr. J. Lean, ...	Barelly, ...	2	0	0	2	0	0	0	0
Mr. H. J. F. Berkeley, ... P. S. A.	Barelly, ...	10	0	1	3	0	2	3	1
Mr. J. S. Boldero, ...	Agra, ...	12	2	0	5	1	4	0	0
Moulvee Mahomed Kureemqoolee, ... P. S. A.	Agra, ...	2	0	0	2	0	0	0	0
Mr. W. H. Tyler, ...	Furruckabad, ..	2	0	0	1	0	0	1	0
Mr. J. Mercer, ... P. S. A.	Furruckabad, ..	3	1	0	0	0	0	1	1
Mr. C. F. Thompson, ...	Mynpooree, ..	1	0	1	0	0	0	0	0
Mr. A. Speirs, ...	Cawnpore, ..	3	0	0	2	0	1	0	0
Moulvee Khadim Hoosein Khan, ... P. S. A.	Cawnpore, ..	11	0	0	3	3	2	2	1
Mr. H. Lushington, ...	Futtehpore, ..	2	1	0	1	0	0	0	0
Syud Mahomed Eosuf Husun Khan, ... P. S. A.	Futtehpore, ..	1	0	1	0	0	0	0	0
Mr. G. Lindsay, ...	Bundelkund, ..	5	0	1	4	0	0	0	0
Mooftee Goolam Mahomed Khan, ... P. S. A.	Bundelkund, ..	4	0	0	2	0	1	0	1
Mr. A. Lang, ...	Allahabad, ..	8	2	2	1	0	3	0	0
Mahomed Ruzeeooddeen, ... P. S. A.	Allahabad, ..	6	0	1	0	3	0	0	2
Moulvee Goolam Mahomed Moostufa Khan, P. S. A.	Goruckpore, ..	1	1	0	0	0	0	0	0
Mr. R. Neave, ...	Azimgurh, ..	8	0	4	2	1	1	0	0
Mr. H. Armstrong, ...	Azimgurh, ..	2	0	0	2	0	0	0	0
Moulvee Mahomed Luteef Khan, ... P. S. A.	Azimgurh, ..	10	1	3	4	1	1	0	0
Mr. R. J. Tayler, ...	Jounpore, ..	5	0	1	3	0	1	0	0
Cazee Yar Ally Khan, ... P. S. A.	Jounpore, ..	5	0	0	3	2	0	0	0
Mr. A. P. Currie, ...	Mirzapore, ..	11	0	3	7	0	1	0	0
Mr. J. Campier, ... P. S. A.	Mirzapore, ..	2	0	0	0	2	0	0	0
Mr. D. B. Morrieson, ...	Benares, ...	2	0	0	1	1	0	0	0
Moulvee Mahomed Jumeelooddeen Khan, .. P. S. A.	Benares, ...	10	2	2	2	0	3	0	1
Mr. A. C. Heyland, ...	Ghazeepore, ..	8	0	4	3	0	0	1	0
Moulvee Mahomed Zoohoor, ... P. S. A.	Ghazeepore, ..	10	3	2	1	3	0	1	0
		187	16	33	69	19	32	9	9

S. D. A., N. W. P.,
AGRA,
The 6th June, 1846.

G. F. EDMONSTONE,
Register.

No. 12.

Statement of the appellate jurisdiction of the several Tribunals in the North Western Provinces, shewing what number of Decrees in each class of them was appealable, appealed, affirmed, altered or reversed during the year 1845.

Zillahs.	Officers.	Description of Cases.	1	2	3	4	5	6	7	8			9			10			11						12						13		
			Original suits and first Appeals.				Proportions.			First and Second Appeals.																							
			Number Appealable.							Number pending at the end of 1844.			Number appealed during the year 1845.			Total number under trial during the year 1845.			Number confirmed.						No. modified or reversed.						Total decided during the year.		
			Cases decided on full trial.	Cases decided exparte.	Cases decided on confession of Judgement.	Total.	Of Column 9 to Col. 1.	Of Col. 9 to Col. 1 and 2.	Of Col. 9 to Col. 1, 2 and 3.	Before S. D. A.		Before Zillah authorities.	To S. D. A.		To Zillah authorities.	Before S. D. A.		Before Zillah authorities.	By S. D. A.		By Judge.		By P. S. A.		Total.	By S. D. A.		By Judge.		By P. S. A.		Total.	By S. D. A.		By Zillah authorities.
										Reg.	Spl.		Reg.	Spl.		Reg.	Spl.		Reg.	Spl.		Reg.	Spl.		Reg.	Spl.		Reg.	Spl.		Reg.	Spl.	
Delhie, ...	Moonsiffs, ...	Original Suits,	604	199	525	1328	50	37·6	22·74	0	0	17	0	0	302	0	0	319	0	0	103	61	164	0	0	88	35	123	0	0	287
	Sudder Ameens, ..	Ditto, ...	500	259	251	1010	5	3·29	2·47	0	0	3	0	0	25	0	0	28	0	0	11	0	11	0	0	9	2	11	0	0	22
	Princl. Sudder Ameens,	Ditto, ...	71	19	8	98	23·75	20·21	19·38	2	0	4	3	2	33	5	2	37	1	0	23	0	23	1	2	12	0	12	2	2	35
	Judge, ...	Appeals, ..	89	9	0	98																											
		Original Suits,	0	0	0	0	2·84	2·84	2·84	2	4	0	0	7	0	2	11	0	0	1	0	0	0	2	10	0	0	0	2	11	0
		Appeals, ..	246	0	0	246																											
		Total, ...	1510	486	784	2780	24·63	18·63	13·38	4	4	24	3	9	360	7	13	384	1	1	137	61	198	3	12	109	37	146	4	13	344
Saharunpore,	Moonsiffs, ...	Original Suits,	941	519	691	2151	21·14	13·63	9·25	0	0	106	0	0	199	0	0	305	0	0	140	0	140	0	0	59	0	59	0	0	199
	Sudder Ameens, ..	Ditto, ...	0	0	0	0	„	„	„	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Princl. Sudder Ameens,	Ditto, ...	140	39	11	190	45·	35·19	33·15	5	0	31	3	0	60	8	0	91	3	0	37	0	37	2	0	10	0	10	5	0	47
	Judge, ...	Appeals, ..	0	0	0	0																											
		Original Suits,	0	0	0	0	„	„	„	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Appeals, ..	246	0	0	246																											
		Total, ...	1327	558	702	2587	19·74	13·89	10·12	5	0	137	3	0	259	8	0	396	3	0	177	0	177	2	0	69	0	69	5	0	246
Meerut, ...	Moonsiffs, ...	Original Suits,	756	605	909	2270	27·91	13·5	9·29	0	0	122	0	0	211	0	0	333	0	0	52	111	163	0	0	23	64	87	0	0	250
	Sudder Ameens, ..	Ditto, ...	105	60	27	192	60·	39·09	32·81	0	0	35	0	0	63	0	0	98	0	0	7	14	21	0	0	5	4	9	0	0	30
	Princl. Sudder Ameens,	Ditto, ...	35	18	19	72	12·71	11·78	10·94	2	0	26	4	5	20	6	5	46	4	0	15	0	15	0	5	7	0	7	1	5	22
	Judge, ...	Appeals, ..	193	0	0	193																											
		Original Suits,	0	0	0	0	3·66	3·66	3·66	0	0	0	0	0	4	0	0	4	0	0	1	0	0	0	0	3	0	0	0	0	4	0
		Appeals, ..	109	0	0	109																											
		Total, ...	1198	683	955	2836	25·62	16·32	10·82	2	0	183	4	9	294	6	9	477	1	1	74	125	199	0	8	35	68	103	1	9	302
Allygurh, ..	Moonsiffs, ...	Original Suits,	850	710	1537	3097	35·29	19·23	9·68	0	0	146	0	0	300	0	0	446	0	0	89	75	164	0	0	79	61	140	0	0	304
	Sudder Ameens, ..	Ditto, ...	31	17	18	66	35·48	22·91	16·66	0	0	0	0	0	11	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0
	Princl. Sudder Ameens,	Ditto, ...	78	42	46	166	25·96	21·09	17·8	2	0	29	8	0	46	10	0	75	2	0	18	0	18	1	0	15	0	15	3	0	33
	Judge, ...	Appeals, ..	136	0	0	136																											
		Original Suits,	0	0	0	0	0·99	0·99	0·99	0	1	0	0	2	0	0	3	0	0	0	0	0	0	0	3	0	0	0	0	3	0
		Appeals, ..	201	0	0	201																											
		Total, ...	1290	775	1601	3666	28·44	17·77	10·01	2	1	175	8	2	357	10	3	532	2	0	107	75	182	1	3	94	61	155	3	3	337
Moradabad, ..	Moonsiffs, ...	Original Suits,	1590	1224	1028	3842	35·47	20·01	14·67	0	0	130	0	0	564	0	0	694	0	0	26	319	345	0	0	1	246	247	0	0	592
	Sudder Ameens, ..	Ditto, ...	36	148	118	302	205·55	49·21	24·5	0	0	36	0	0	74	0	0	110	0	0	0	59	59	0	0	0	29	29	0	0	88
	Princl. Sudder Ameens,	Ditto, ...	63	0	0	63	4·32	4·32	4·32	4	1	10	5	7	19	9	8	29	0	2	5	0	5	2	4	3	0	3	2	6	8
	Judge, ...	Appeals, ..	653	0	0	653																											
		Original Suits,	0	0	0	0	8·57	8·57	8·57	0	0	0	0	0	3	0	0	3	0	0	1	0	0	0	0	1	0	0	0	0	2	0
		Appeals, ..	35	0	0	35																											
		Total, ...	2377	1372	1146	4895	28·27	17·92	13·72	4	1	176	5	10	657	9	11	833	0	3	31	378	409	2	5	4	275	279	2	8	688
Bareilly, ..	Moonsiffs, ...	Original Suits,	1370	1029	936	3325	28·32	16·17	11·66	0	0	129	0	0	388	0	0	517	0	0	32	119	151	0	0	17	52	69	0	0	220
	Sudder Ameens, ..	Ditto, ...	341	69	127	537	29·32	24·36	18·62	0	0	33	0	0	100	0	0	135	0	0	27	7	34	0	0	22	3	25	0	0	59
	Princl. Sudder Ameens,	Ditto, ...	54	8	9	71																											
		Appeals, ..	181	0	0	181	14·04	13·58	13·09	8	0	22	8	3	22	16	3	44	1	0	13	0	13	4	1	5	0	5	5	1	18
	Judge, ...	Original Suits,	0	0	0	0	2·58	2·58	2·58	0	0	0	0	0	3	0	0	3	0	0	0	0	0	0	0	2	0	0	0	2	0
		Appeals, ..	116	0	0	116																											
		Total, ...	2062	1106	1062	4230	25·41	16·54	12·38	8	0	186	8	6	510	16	6	696	1	0	72	126	198	4	3	44	55	99	5	3	297
Agra, ...	Moonsiffs, ...	Original Suits,	591	369	403	1363	21·31	13·54	9·45	0	0	4	0	0	126	0	0	130	0	0	78	0	78	0	0	22	0	22	0	0	100
	Sudder Ameens, ..	Ditto, ...	124	98	86	308	9·67	5·4	3·89	0	0	2	0	0	12	0	0	14	0	0	6	0	6	0	0	5	0	5	0	0	11
	Princl. Sudder Ameens,	Ditto, ...	34	11	26	71	67·64	51·11	32·39	6	0	3	4	0	19	10	0	22	2	0	8	0	8	6	0	6	0	6	8	0	14
	Judge, ...	Appeals, ..	0	0	0	0																											
		Original Suits,	2	0	0	2	8·66	8·66	8·66	0	3	0	2	9	0	2	12	0	0	2	0	0	0	1	9	0	0	0	1	11	0
		Appeals, ..	125	0	0	125																											
		Total, ...	876	448	515	1839	19·63	12·99	9·35	6	3	9	6	9	157	12	12	166	2	2	92	0	92	7	9	33	0	33	9	11	125
Furruckabad,	Moonsiffs, ...	Original Suits,	827	348	953	2128	27·81	19·57	10·8	0	0	44	0	0	230	0	0	274	0	0	127	12	139	0	0	34	13	47	0	0	186
	Sudder Ameens, ..	Ditto, ...	0	0	0	0	„	„	„	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Princl. Sudder Ameens,	Ditto, ...	160	41	16	217	56·21	46·01	42·97	1	0	9	7	0	97	8	0	106	1	0	41	0	41	0	0	19	0	19	1	0	60
	Judge, ...	Appeals, ..	25	0	0	25																											
		Original Suits,	1	0	0	1	2·25	2·25	2·25	0	0	0	0	0	5	0	0	5	0	0	0	0	0	0	0	3	0	0	0	0	3	0
		Appeals, ..	221	0	0	221																											
		Total, ...	1234	389	969	2592	27·47	20·88	13·07	1	0	53	7	5	327	8	5	386	1	0	168	12	180	0	3	53	13	66	1	3	246
Mynpooree, ..	Moonsiffs, ...	Original Suits,	494	207	655	1356	34·41	24·25	12·53	0	0	88	0	0	170	0	0	208	1	0	65	55	121	0	0	14	36	50	0	0	174
	Sudder Ameens, ..	Ditto, ...	0	0	0	0	„	„	„	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Princl. Sudder Ameens,	Ditto, ...	64	4	9	77	18·06	17·61	16·66	0	0	12	0	1	27	0	1	39	0	0	11	0	11	0	1	2	0	2	0	1	13
	Judge, ...	Appeals, ..	91	0	0	91																											
		Original Suits,	1	0	0	1	1·06	1·06	1·06	0	1	0	1	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	1	0	
		Appeals, ..	93	0	0	93																											
		Total, ...	743	211	664	1618	26·78	20·85	12·29	0	1	59	1	1	197	1	2	247	0	1	77	55	132	0	1	16	36	52	0	2	184
Cawnpore, ..	Moonsiffs, ...	Original Suits,	557	227	470	1304	49·73	33·21	21·24	0	0	45	0	0	277	0	0	322	0	0	80	48	128	0	0	46	33	79	0	0	267
	Sudder Ameens, ..	Ditto, ...	47	42	20	109	97·87	51·68	42·2	0	0	36	0	0	46	0	0	82	0	0	27	5	32	0	0	23	7	30	0	0	62
	Princl. Sudder Ameens,	Ditto, ...	46	9	13	68	41·73	36·05	32·91	7	0	22	9	2	42	16	2	64	0	0	28	0	28	6	2	18	0	18	6	2	46
	Judge, ...	Appeals, ..	93	1	1	93																											
		Original Suits,	1	0	0	1	1·79	1·79	1·79	0	0	0	0	0	4	0	0	4	0	0	0	0	0	0	0	3	0	0	0	0	3	0
		Appeals, ..	222	0	0	222																											
		Total, ...	954	339	504	1797	39·83	29·38	21·14	7	0	103	9	6	365	16	6	468	0	0	135	53	188	6	5	87	40	127	6	5	315
Futtehpore, ..	Moonsiffs, ...	Original Suits,	309	167	306	773	34·66	22·26	13·45	0	0	80	0	0	104	0	0	184	0	0	92	0	92	0	0	56	0	56	0	0	148
	Sudder Ameens, ..	Ditto, ...	0	0	0	0	„	„	„	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Princl. Sudder Ameens,	Ditto, ...	76	6	25	107	46·05	42·68	32·71	0	0	24	2	0	33	2	0	57	1	0	25	0	25	0	0	22	0	22	1	0	47
	Judge, ...	Appeals, ..	0	0	0	0																											
		Original Suits,	195	0	0	0	2·57	2·57	2·57	0	2	0	0	5	0	0	7	0	0	2	0	0	0	0	0	2	0	0	0	0	4	0
		Appeals, ..				195																											
		Total, ...	571	173	331	1075	25·21	19·35	13·39	0	2	104	2	5	137	2	7	241	1	2	117	0	117	0	2	78	0	78	1	4	195

Carried over.

No. 12. Continued.

Statement of the appellate jurisdiction of the several Tribunals in the North Western Provinces, shewing what number of Decrees in each class of them was appealable, appealed, affirmed, altered or reversed during the year 1845.

Zillahs.	Officers.	Description of Cases.	1	2	3	4	5	6	7	8		9		10		11				12				13	
			Original suits and first Appeals.				Proportions.			Number pending at the end of 1844.		Number appealed during the year 1845.		Total number under trial during the year 1845.		First and Second Appeals.								Total decided during the year.	
			Number Appealable.													Number confirmed.				No. modified or reversed.					
			Cases decided on full trial.	Cases decided exparte.	Cases decided on confession of Judgment.	Total.	Of Columns 2 to Col. 1.	Of Col. 3 to Col. 1 and 2.	Of Col. 3 to Col. 1, 2 and 3.	Before S. D. A.	Before Zillah authorities.	To S. D. A.	To Zillah authorities.	Before S. D. A.	Before Zillah authorities.	By S. D. A.	By Judge.	By F. S. A.	Total.	By S. D. A.	By Judge.	By F. S. A.	Total.	By S. D. A.	By Zillah authorities.
										Reg.	Spl.	Reg.	Spl.	Reg.	Spl.	Reg.	Spl.		Reg.	Spl.			Reg.	Spl.		
Bundelkund,	Moonsiffs, ...	Original Suits,	248	203	258	709	47·98	26·38	16·78	0	0	14	0	0	119	0	0	133	0	0	36	39	75	0	0	18	17	35	0	0	110
	Sudder Ameens, ...	Ditto, ...	0	0	0	0	,,	,,	,,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Princl. Sudder Ameens,	Ditto	49	13	7	69	42·7	34·74	32·8	2	0	8	1	2	38	3	2	46	0	0	16	0	16	1	2	10	0	10	1	2	26
		Appeals, ...	47	9	0	56																								
	Judge, ...	Original Suits,	0	0	0	0	7·5	7·5	7·5	0	2	0	0	6	0	0	8	0	0	1	0	0	0	0	4	0	0	0	0	5	0
		Appeals, ...	80	0	0	80																								
		Total, ...	424	225	265	914	39·15	25·57	18·16	2	2	22	1	8	157	3	10	179	0	1	52	39	91	1	6	28	17	45	1	7	136
Allahabad, ..	Moonsiffs, ...	Original Suits,	758	488	439	1685	28·75	17·49	12·93	0	0	21	0	0	218	0	0	239	0	6	103	18	121	0	0	85	12	97	0	0	218
	Sudder Ameens, ...	Ditto, ...	0	0	0	0	,,	,,	,,	0	0	2	0	0	1	0	0	3	0	0	3	0	3	0	0	0	0	0	0	0	3
	Princl. Sudder Ameens,	Ditto, ...	147	41	18	206	61·01	49·54	45·76	5	0	6	8	0	100	13	0	106	1	0	51	0	51	3	0	42	0	42	4	0	93
		Appeals, ...	30	0	0	30																								
	Judge, ...	Original Suits,	1	0	0	1	0·7	0·7	0·7	1	5	0	0	2	0	1	7	9	1	3	0	0	0	0	4	0	0	0	1	7	0
		Appeals, ...	284	0	0	284																								
		Total, ...	1220	529	457	2206	26·96	18·81	14·91	6	5	29	8	2	319	14	7	348	2	3	157	18	175	3	4	127	12	139	5	7	314
Goruckpore,	Moonsiffs, ...	Original Suits,	1278	306	1282	2874	44·36	35·79	19·74	0	0	196	0	0	567	0	0	763	0	0	103	257	360	0	0	43	194	237	0	0	597
	Sudder Ameens, ...	Ditto, ...	142	23	46	211	42·95	36·96	29·9	0	0	36	0	0	91	0	0	97	0	0	35	0	35	0	0	28	0	28	0	0	63
	Princl. Sudder Ameens,	Ditto, ...	59	9	18	86	10·39	9·68	9·31	3	8	16	6	6	38	9	14	54	1	1	22	0	22	1	11	11	0	11	2	12	33
		Appeals, ...	422	26	3	451																								
	Judge, ...	Original Suits,	0	0	0	0	2·06	2·06	2·06	0	3	0	0	5	0	0	8	0	0	2	0	0	0	0	3	0	0	0	0	5	0
		Appeals, ...	242	0	0	242																								
		Total, ...	2143	364	1354	3861	31·87	27·24	17·68	3	11	248	6	11	696	9	22	914	1	3	160	257	417	1	14	82	194	276	2	17	693
Azimgurh,	Moonsiffs, ...	Original Suits,	670	279	336	1285	32·25	29·28	24·48	0	0	150	0	0	350	0	0	500	0	0	121	78	199	0	0	66	33	99	0	0	298
	Sudder Ameens, ...	Ditto, ...	178	53	44	275	22·47	17·31	14·54	0	0	50	0	0	40	0	0	60	0	0	20	0	20	0	0	10	0	10	0	0	30
	Princl. Sudder Ameens,	Ditto, ...	150	37	20	207	12·4	10·4	9·74	3	2	10	1	5	25	4	7	35	2	2	13	0	13	1	5	7	0	7	3	7	20
		Appeals, ...	100	11	0	111																								
	Judge, ...	Original Suits,	1	0	0	1	3·78	3·78	3·78	0	3	0	0	9	0	0	12	0	0	4	0	0	0	0	6	0	0	0	0	10	0
		Appeals, ...	237	0	0	237																								
		Total, ...	1336	313	197	1846	32·18	26·07	23·29	3	5	180	1	14	415	4	19	595	2	6	154	78	232	1	11	83	33	116	3	17	348
Jounpore, ..	Moonsiffs, ...	Original Suits,	895	294	253	1442	39·55	29·77	24·54	0	0	93	0	0	354	0	0	447	0	0	143	108	251	0	0	22	78	100	0	0	351
	Sudder Ameens, ...	Ditto, ...	0	0	0	0	,,	,,	,,	0	0	1	0	0	1	0	0	2	0	0	0	0	0	0	0	1	0	1	0	0	1
	Princl. Sudder Ameens,	Ditto, ...	107	8	11	126	18·27	16·94	16·34	6	0	27	2	3	46	8	3	73	3	0	28	0	28	3	3	15	0	15	6	3	43
		Appeals, ...	172	14	0	186																								
	Judge, ...	Original Suits,	0	0	0	0	0·95	0·95	0·95	0	5	0	0	2	0	0	7	0	0	2	0	0	0	0	5	0	0	0	0	7	0
		Appeals, ...	209	0	0	209																								
		Total, ...	1383	316	264	1963	29·5	24·01	20·78	6	5	121	2	5	401	8	10	522	3	2	171	108	279	3	8	38	78	116	6	10	395
Mirzapore, ..	Moonsiffs, ...	Original Suits,	449	53	224	726	18·48	16·53	11·43	0	0	16	0	0	83	0	0	99	0	0	67	0	67	0	0	25	0	25	0	0	92
	Sudder Ameens, ...	Ditto, ...	0	0	0	0	,,	,,	,,	0	0	0	0	0	17	0	0	17	0	0	8	0	8	0	0	5	0	5	0	0	13
	Princl. Sudder Ameens,	Ditto, ...	112	15	7	134	27·67	24·4	23·13	2	0	1	7	0	24	9	0	35	0	0	12	0	12	4	0	6	0	6	4	0	18
		Appeals, ...	0	0	0	0																								
	Judge, ...	Original Suits,	0	0	0	0	8·13	8·13	8·13	0	3	0	0	10	0	0	13	0	0	3	0	0	0	0	8	0	0	0	0	11	0
		Appeals, ...	123	0	0	123																								
		Total, ...	684	68	231	983	20·61	18·75	14·33	2	3	17	7	10	124	9	13	141	0	3	87	0	87	4	8	36	0	36	4	11	123
Benares, ...	Moonsiffs, ...	Original Suits,	876	268	211	1355	23·51	18·	15·2	0	0	128	0	0	206	0	2	334	0	0	63	32	95	0	0	64	14	78	0	0	173
	Sudder Ameens, ...	Ditto, ...	0	0	0	0	,,	,,	,,	0	0	17	0	0	30	0	0	47	0	0	16	0	16	0	0	13	0	13	0	0	29
	Princl. Sudder Ameens,	Ditto, ...	153	26	10	189	24·12	21·33	20·42	13	1	27	11	0	37	24	1	61	4	1	21	0	21	10	0	22	0	22	14	1	43
		Appeals, ...	46	0	0	46																								
	Judge, ...	Original Suits,	1	0	0	1	1·	1·	1·	1	1	0	0	2	0	1	3	0	0	0	0	0	0	1	2	0	0	0	1	2	0
		Appeals, ...	199	0	0	199																								
		Total, ...	1275	294	221	1790	22·43	18·22	14·81	14	2	172	11	2	273	25	4	315	4	1	100	32	132	11	2	99	14	113	15	3	245
Ghazeepore,	Moonsiffs, ...	Original Suits,	1075	381	305	1761	63·44	46·84	38·72	0	0	207	0	0	682	0	0	889	0	0	249	177	426	0	0	98	93	191	0	0	617
	Sudder Ameens, ...	Ditto, ...	334	105	50	490	20·35	15·45	13·87	0	0	39	0	0	63	0	0	102	0	0	59	0	59	0	0	23	0	23	0	0	82
	Princl. Sudder Ameens,	Ditto, ...	137	7	7	151	18·08	17·76	17·45	11	0	39	6	0	64	17	0	137	4	0	50	0	50	4	0	25	0	25	9	0	75
		Appeals, ...	270	0	0	270																								
	Judge, ...	Original Suits,	1	0	0	1	1·38	1·38	1·38	0	2	0	0	7	0	0	9	0	0	4	0	0	0	0	3	0	0	0	0	7	0
		Appeals, ...	504	0	0	504																								
		Total, ...	2301	494	362	3157	35·94	29·23	26·19	11	2	285	6	7	814	17	9	1069	5	4	358	177	535	4	3	146	93	239	9	7	774
Kumaon, ...	Moonsiffs, ...	Original Suits,	338	81	57	476	42·01	33·89	29·83	0	0	46	0	0	142	0	0	188	0	0	0	100	100	0	0	0	21	21	0	0	121
	Sudder Ameens, ...	Ditto, ...	556	32	59	647	45·84	43·31	39·42	0	0	97	0	0	259	0	0	356	0	0	0	170	170	0	0	0	68	68	0	0	238
		Appeals, ...	9	1	0	10																								
	Princl. Sudder Ameens,	Original Suits,	323	42	45	410	61·01	53·92	50·72	0	0	144	0	0	389	0	0	529	0	0	246	0	246	0	0	76	0	76	0	0	322
		Appeals, ...	308	41	0	349																								
	Judge, ...	Original Suits,	77	0	0	77	,,	,,	,,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Appeals, ...	322	0	0	322																								
		Total, ...	1933	197	161	2291	40·66	36·9	34·74	0	0	287	0	0	786	0	0	1073	0	0	246	270	516	0	0	76	89	165	0	0	681
Sabathoo, ..	Moonsiffs, ...	Original Suits,	0	0	0	0	,,	,,	,,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Sudder Ameens, ...	Ditto, ...	177	139	68	384	25·98	14·55	11·97	0	0	0	0	0	46	0	0	46	0	0	18	0	18	0	0	27	0	27	0	0	45
	Princl. Sudder Ameens,	Ditto, ...	0	0	0	0																								
		Appeals, ...	0	0	0	0	,,	,,	,,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Judge, ...	Original Suits,	7	0	0	7																								
		Appeals, ...	45	0	0	45	,,	,,	,,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Total, ...	229	139	68	436	20·08	12·5	10·55	0	0	0	0	0	46	0	0	46	0	0	18	0	18	0	0	27	0	27	0	0	45
	99 Moonsiffs, ...	Original Suits,	15467	7910	11570	34947	36·15	23·92	16·	0	0	1732	0	0	5592	0	0	7324	0	0	1770	1609	3379	0	0	860	1002	1862	0	0	5241
	17 Sudder Ameens, ...	Ditto, ...	2580	1047	914	4541	33·1	23·26	18·8	0	0	359	0	0	854	0	0	1213	0	0	237	255	492	0	0	171	113	284	0	0	776
	25 Princl. Sudr. Ameens, and Appeals,	Original Suits,	4876	522	329	5727	26·78	24·19	22·8	82	12	470	95	26	1175	177	48	1645	28	6	683	0	683	49	36	333	0	333	77	42	1016
	21 Judges, ...	Ditto, ...	4147	0	0	4147	2·12	2·12	2·12	4	35	0	3	85	0	7	126	0	1	27	0	0	0	4	71	0	0	0	5	98	0
		Total, ...	27070	9479	12813	49362	28·96	21·45	15·88	86	47	2561	98	121	7621	184	168	10182	29	33	2690	1864	4554	53	107	1364	1115	2479	82	140	7033

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 6th June 1846.

G. F. EDMONSTONE,
Register.

No. 13.

Abstract numerical Statement of applications for the execution of Decrees pending and instituted before, and disposed of in the several Civil Courts in the North Western Provinces during the year 1845.

1	2	3	4	5	6		7	8	9	10	11		12	13	14	15	16	17	18	19	20	21	22	23
		Brought on the file during the year.					*Disposed of.						Specification of the years, in which the cases in Column 2 were filed or re-admitted.						Explanation of the cause of delay in the execution of Decrees which have been on the file for one year or more.					
Zillahs.	Total pending on 1st January 1845.	Newly instituted.	Re-admitted.	Received by Transfer.	Total filed in 1845.	Grand Total.	Cases struck off the file, the Decree having been satisfied or executed on the Decreeholder after taking out execution having filed a Razeenamah.	Cases struck off the file after partial enforcement the Decreeholder having omitted to proceed with the execution within the prescribed period by petition and further process for execution of Decree or by taking other steps in execution of it.	Cases struck off the file without any part of the Decree being carried into effect, owing to the Decreeholder having after taking out execution failed to proceed in the matter within the prescribed period.	Transferred to other Courts.	Total of every description disposed of.	Pending on the 31st December 1845.	Before 1840.	In 1841.	In 1842.	In 1843.	In 1844.	In 1845.	Dustuck issued or Defendant not found, or list of property not given or other neglect of the Plaintiff.	Property under Sale by the Collector or other officer, or money sought for from the Collector's office.	Under objections to Sale &c. and under enquiry if appealed or not.	Property under investigation.	Notice or Dustuck issued and not yet returned.	Remarks.
Delhie, ...	330	1796	715	20	2531	2861	1007	823	753	32	2620	241	0	0	0	0	0	241	0	0	0	0	0	
Saharunpore, ...	866	1849	1801	111	3761	4627	734	724	2048	72	3578	1049	0	0	0	0	1	1048	0	1	0	0	0	
Meerut, ...	824	2059	1301	39	3399	4223	1040	1434	1089	71	3634	589	0	0	0	0	1	588	0	1	0	0	0	
Allygurh, ...	824	2025	1817	295	4137	4961	819	1121	2061	195	4196	765	0	0	0	0	0	765	0	0	0	0	0	
Moradabad, ...	1128	3150	1510	31	4691	5819	1802	633	2205	33	4673	1146	0	0	0	0	0	1146	0	0	0	0	0	
Bareilly, ...	1062	3307	926	11	4244	5306	2546	4	1566	2	4114	1192	0	0	0	0	5	1187	0	5	0	0	0	
Agra, ...	559	1224	879	28	2131	2690	788	321	1063	25	2197	493	0	0	0	0	0	493	0	0	0	0	0	
Furruckabad, ...	475	1476	1332	131	2939	3414	748	1248	792	123	2911	503	0	0	0	0	0	503	0	0	0	0	0	
Mynpooree, ...	338	764	722	60	1546	1884	486	447	636	44	1613	271	0	0	0	0	0	271	0	0	0	0	0	
Cawnpore, ...	458	1288	820	76	2184	2642	852	375	880	73	2180	462	0	0	0	0	4	458	0	2	1	1	0	
Futtehpore, ...	252	617	410	11	1038	1290	386	238	407	11	1042	248	0	0	0	0	0	248	0	0	0	0	0	
Bundelkund, ...	157	674	370	73	1117	1274	347	115	463	73	998	276	0	0	0	0	0	276	0	0	0	0	0	
Allahabad, ...	661	1489	1024	132	2645	3306	1117	608	836	132	2693	613	0	0	0	0	0	613	0	0	0	0	0	
Goruckpore, ...	620	2592	1492	161	4245	4865	1263	743	2124	161	4291	574	0	0	0	0	1	573	0	0	1	0	0	
Azimgurh, ...	417	866	475	34	1375	1792	646	3	640	33	1319	473	0	0	0	0	0	473	0	0	0	0	0	
Jounpore, ...	382	992	447	9	1448	1830	524	224	753	5	1506	324	0	0	0	0	0	324	0	0	0	0	0	
Mirzapore, ...	320	632	313	13	958	1278	416	119	335	13	963	315	0	0	0	0	2	313	0	2	0	0	0	
Benares, ...	559	991	744	459	2194	2753	608	302	701	514	2185	568	0	0	0	0	2	566	1	0	0	0	1	
Ghazeepore, ...	330	1478	1162	45	2625	2955	1255	442	804	45	2546	409	0	0	0	0	0	409	0	0	0	0	0	
Total, ..	10562	29269	18200	1739	49208	59770	17384	10062	20156	1657	49259	10511	0	0	0	0	16	10495	1	11	2	1	1	
Kumaon, ...	243	970	262	590	1822	2065	626	188	387	593	1794	271	0	0	0	0	7	264	5	2	0	0	0	
Subathoo, ...	0	240	0	7	247	247	245	1	0	0	246	1	0	0	0	0	0	1	0	0	0	0	0	
Grand Total, ..	10805	30479	18462	2336	51277	62082	18255	10251	20543	2250	51299	10783	0	0	0	0	23	10760	6	13	2	1	1	

S. D. A., N. W. P.,
Agra,
The 6th June, 1846.

G. F. EDMONSTONE,
Register.

General Abstract of Summary and Miscellaneous Suits disposed of during the year 1845, *and depending on the* 1st *January* 1845 *and* 1846 *respectively.*

Zillah.	Depending on the 1st January 1845.						Disposed of during the year 1845.						Depending on the 1st January 1846.						Remarks.
	Petitions for review of judgment under Clause 2, Section 4, Regulation XXVI. 1814 and Section 2, Regulation II. 1825.	Certificates granted and orders passed under Act XX. 1841.	Petitions for Summary Appeals under Clause 4, Section 3, Regulation XXVI. 1814 and Act No. 22. 1838.	Petitions of Appeal under Clause 5, Section 3, and Clause 2, Section 5, Regulation VII. 1825.	Petitions of Miscellaneous and interlocutory Appeals.	Applications for the execution of Decrees and Petitions from parties objecting to orders passed in the execution of Decrees.	Total.	Petitions for review of judgment under Clause 2, Section 4, Regulation XXVI. 1814 and Section 2, Regulation II. 1825.	Certificates granted and orders passed under Act XX. 1841.	Petitions for Summary Appeals under Clause 4, Section 3, Regulation XXVI. 1814 and Act No. 22. 1838.	Petitions of Appeal under Clause 5, Section 3, and Clause 2, Section 5, Regulation VII. 1825.	Petitions of Miscellaneous and interlocutory Appeals.	Applications for the execution of Decrees and Petitions from parties objecting to orders passed in the execution of Decrees.	Total.	Petitions for review of judgment under Clause 2, Section 4, Regulation XXVI. 1814 and Section 2, Regulation II. 1825.	Certificates granted and orders passed under Act XX. 1841.	Petitions for Summary Appeals under Clause 4, Section 3, Regulation XXVI. 1814 and Act No. 22. 1838.	Petitions of Appeal under Clause 5, Section 3, and Clause 2, Section 5, Regulation VII. 1825.	Petitions of Miscellaneous and interlocutory Appeals.	Applications for the execution of Decrees and petitions from parties objecting to orders passed in the execution of Decrees.	Total.	
Delhie, ...	0	0	0	0	0	337	337	20	41	23	4	116	2791	2995	0	2	0	0	0	249	251	
Saharunpore, ...	0	0	7	13	0	879	899	3	0	30	76	9	3667	3785	0	0	6	12	1	1058	1077	
Meerut, ...	1	0	13	18	0	846	878	1	0	29	39	112	3761	3942	1	2	15	19	36	592	665	
Allyghurh, ...	3	0	3	46	42	848	942	7	5	38	61	106	4286	4503	3	0	10	50	108	809	980	
Moradabad, ...	0	0	6	19	0	1129	1154	19	34	6	102	1	4740	4902	1	45	15	56	6	1149	1272	
Bareilly, ...	15	0	5	0	26	1073	1119	23	1	42	1	112	4179	4358	2	0	8	2	45	1195	1252	
Agra, ...	0	6	0	11	0	569	586	0	45	15	70	5	2255	2390	0	4	0	4	0	503	511	
Furuckabad, ...	4	0	7	13	0	477	501	11	0	36	115	23	3056	3241	1	0	3	12	5	510	531	
Mynporee, ...	0	1	1	22	0	342	366	5	3	13	81	5	1690	1797	3	0	0	17	0	274	294	
Cawnpore, ...	4	1	2	6	12	466	491	8	4	54	74	138	2250	2528	6	1	4	3	17	471	502	
Futtehpore, ...	0	0	2	12	0	268	282	6	0	24	44	30	1150	1254	0	0	0	0	3	254	257	
Bundelkund, ...	0	0	0	0	1	164	165	13	0	16	0	47	1029	1105	0	0	5	0	7	279	291	
Allahabad, ...	5	4	0	2	0	666	677	20	40	18	159	21	2833	3091	0	7	0	3	0	621	631	
Goruckpore, ...	1	0	2	0	28	630	631	21	0	43	6	215	4422	4687	1	0	5	0	20	576	602	
Azimgurh, ...	0	0	0	3	2	440	445	9	6	63	81	28	1485	1672	0	0	5	9	3	480	497	
Jounpore, ...	2	1	4	22	0	401	430	16	1	10	90	8	1694	1819	5	0	1	28	2	339	375	
Mirzapore, ...	2	7	0	3	0	345	357	7	71	18	37	30	1202	1355	0	5	0	0	4	356	365	
Benares, ...	18	0	23	1	0	590	632	29	0	46	1	200	2492	2768	9	1	40	0	80	602	732	
Ghazeepore, ...	1	0	1	2	0	334	338	17	0	19	94	8	2669	2807	1	0	2	12	0	417	432	
Total, ...	56	20	76	193	111	10804	11260	235	251	543	1135	1214	51631	55009	33	67	119	227	337	10734	11517	
Kumaon, ...	0	27	1	0	0	200	228	3	193	1	0	0	1695	1892	0	46	0	0	0	257	303	
Subathoo, ...	0	0	0	0	0	0	0	0	0	0	0	0	246	246	0	0	0	0	0	1	1	
Grand Total, ...	56	47	77	193	111	11004	11488	238	444	544	1135	1214	53572	57147	33	113	119	227	337	10992	11821	
Regulation Provinces. Judges, ...	42	20	76	193	111	141	583	138	251	543	1135	1214	1268	4549	30	67	119	227	337	118	898	
Principal Sudder Ameens,	14	0	0	0	0	1800	1814	97	0	0	0	0	8149	8246	3	0	0	0	0	1656	1659	
Sudder Ameens, ...	0	0	0	0	0	703	705	0	0	0	0	0	2589	2589	0	0	0	0	0	696	696	
Moonsiffs, ...	0	0	0	0	0	8158	8158	0	0	0	0	0	39625	39625	0	0	0	0	0	8264	8264	
Total, ...	56	20	76	193	111	10804	11260	235	251	543	1135	1214	51631	55009	33	67	119	227	337	10734	11517	
Hill Provinces, ...	0	27	1	0	0	200	228	3	193	1	0	0	1941	2138	0	46	0	0	0	258	304	
Grand Total, ...	56	47	77	193	111	11004	11488	238	444	544	1135	1214	53572	75147	33	113	119	227	337	10992	11821	

* *Sudder Dewanny Adawlut, North Western Provinces, Agra, the 6th June,* 1846.

G. F. EDMONSTONE,

Register.

No. 17.

Result of Miscellaneous and Summary Appeals from the decisions of the Zillah Judges, preferred to the Sudder Dewanny Adawlut, during the year 1845.

Zillahs.	*Applications for the admission of Special Appeals.*							*Summary Appeals under Regulation XXVI.* 1814, *Section* 3.							*Summary Appeals under Regulation VII.* 1825.							*All other Miscellaneous cases.*							Remarks.
	Pending 1st January, 1845.	Preferred in 1845.	Total.	Admitted.	Rejected.	Struck off or otherwise disposed of.	Pending 1st January, 1846.	Pending 1st January, 1845.	Preferred in 1845.	Total.	Decisions of the Lower Courts. Confirmed.	Decisions of the Lower Courts. Reversed.	Decisions of the Lower Courts. Struck off or otherwise disposed of.	Pending 1st January, 1846.	Pending 1st January 1845.	Preferred in 1845.	Total.	Decisions of the Lower Courts. Confirmed.	Decisions of the Lower Courts. Reversed.	Decisions of the Lower Courts. Struck off or otherwise disposed of.	Pending 1st January, 1846	Pending 1st January, 1845.	Preferred in 1845.	Total.	Decisions of the Lower Courts. Confirmed.	Decisions of the Lower Courts. Reversed.	Decisions of the Lower Courts. Struck off or otherwise disposed of.	Pending 1st January, 1846.	
Delhie, ...	9	47	56	9	30	11	6	1	1	2	1	1	0	0	0	0	0	0	0	0	0	12	83	95	20	23	45	7	
Saharunpore, ...	1	16	17	0	11	2	4	0	2	2	2	0	0	0	0	0	0	0	0	0	0	2	39	41	7	2	22	10	
Meerut, ...	13	30	43	9	29	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	49	62	15	1	41	5	
Allygurh,...	10	21	31	2	19	4	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	82	90	15	2	62	11	
Moradabad, ...	7	51	58	9	38	8	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	59	61	12	1	44	4	
Bareilly, ...	3	35	38	12	23	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	57	76	21	4	46	5	
Agra, ...	10	26	36	9	19	6	2	0	3	3	2	1	0	0	0	1	1	0	0	1	0	13	75	88	18	3	58	9	
Furruckabad, ...	5	9	14	4	8	1	1	1	0	1	1	0	0	0	0	0	0	0	0	0	0	3	37	40	5	1	29	5	
Mynpooree, ...	1	10	11	1	9	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	8	9	4	0	5	0	
Cawnpore, ...	10	40	50	6	29	9	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	78	91	14	5	59	13	
Futtehpore, ...	0	30	30	5	13	5	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	50	54	3	8	35	8	
Bundelkund, ...	4	33	37	8	23	3	3	0	1	1	0	0	0	1	1	0	0	0	0	0	0	13	44	57	15	2	35	5	
Allahabad, ...	3	29	32	2	20	2	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	95	102	24	16	47	15	
Goruckpore, ...	23	65	88	11	54	3	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	125	136	32	4	86	14	
Azimgurh, ...	15	66	81	14	40	10	17	3	4	7	5	2	0	0	0	0	0	0	0	0	0	20	77	97	16	13	62	6	
Jounpore, ...	7	27	34	5	23	5	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0	9	58	67	17	5	36	9	
Mirzapore, ...	13	17	30	10	14	0	6	0	3	3	1	1	0	1	0	0	0	0	0	0	0	17	79	96	20	12	48	16	
Benares, ...	3	23	26	2	15	1	8	1	0	1	0	1	0	0	1	0	1	1	0	0	0	28	131	159	43	11	71	34	
Ghazeepore, ...	7	41	48	5	35	5	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21	66	87	20	5	52	10	
Total,..	44	616	760	123	452	80	105	6	15	21	12	7	0	2	1	1	2	1	0	1	0	216	1292	1508	321	118	883	156	426 Petitions of original institution in the Sudder Dewanny Adawlut, unconnected with any Appeal, were also disposed of during the year.
Kumaon, ...	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	0	0	2	0	
Subathoo, ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Grand Total,..	144	617	761	123	453	80	105	6	15	21	12	7	0	2	1	1	2	1	0	1	0	216	1294	1510	321	118	885	186	

S. D. A. N. W. P.,
AGRA:
The 6th June 1846.

G. F. EDMONSTONE,

Register.

REPORT

OF THE

SUDDER DEWANNY ADAWLUT

NORTH WESTERN PROVINCES

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE

FOR THE YEAR

1846.

AGRA:

PRINTED AT THE SECUNDRA ORPHAN PRESS BY WM. H. HAYCOCK.

1847.

Report.

No. 934 of 1847.

From G. F. EDMONSTONE, Esquire,

Register Sudder Dewanny Adawlut,

N. W. Provinces.

To JOHN THORNTON, Esquire,

Secretary to the Government,

N. W. Provinces.

Dated Agra, 22nd June, 1847.

S. D. A. N. W. P.

Present:

B. Tayler,—*Judge,*
A. W. Begbie, and
H. Lushington,—
Offg. Judges.
} Esquires.

Sir,

I am desired by the Court of Sudder Dewanny Adawlut to submit the accompanying Reports, according to the annexed list, and statements in illustration of the administration of Civil Justice in the North Western Provinces during the year 1846.

Reports with statements, regarding administration of Civil Justice in 1846.

2. Adverting to the suggestion conveyed in your letter, No. 2003, dated 10th May, 1845, paragraph 20, and to the nature of the subject, the Court consider that the requisite information may be laid before the Government with more brevity than heretofore, and with equal clearness, in a series of tabular statements, which shall give a comparative view of the income and state of business in each district, and shall at the same time exhibit the work performed by each functionary, the proportion of appeals instituted to the decisions of each, and the result of those appeals, with other facts bearing on the administration of Civil Justice. The Court propose to follow this plan on the present and on future occasions, if the Government approve of it; and in pursuance thereof, they desire me to explain that, in the following Report, the operations of the Civil Courts established in the several districts of these provinces will be exhibited in four tables.

With advertence to para. 20, Government letter, No. 2003, dated 10th May, 1845, abridgment of the annual report, by means of a series of tables, is proposed.

Subject to the approval of Government, the abridged form of report is to be continued.

Object and contents of table No. 1 explained;

In the table No. 1, will be entered the number of regular suits, original and appeal, instituted, disposed of, whether by decision on the merits or otherwise, and pending in the year under notice and that which preceded it; and the comparative increase and decrease in the several items of entry will be given under their respective headings. The table

Ditto ditto table No. 2;

No. 2 will shew the regular business instituted, disposed of, and pending at the close of the year under report in each Court, together with the value of property involved in the pending suits, the proportion of suits relating to real property on the one hand, and to debts on bond, bankers' accounts, wages, contracts, and other matters of a personal character on the other, and the result of appeals tried, as well as the proportion of appeals instituted to the number of decisions passed in each Court within the year under report.

Objects and contents of table No. 3 explained, and remarks added, with a view to shew the nature of the "miscellaneous business," and the heaviness with which it presses on the Judges.

The table No. 3 will be confined exclusively to the exhibition of miscellaneous business, instituted, disposed of, and pending, separately as regards the Courts of the Judges, Principal Sudder Ameens, and Sudder Ameens, and collectively as regards the Moonsiffs' Courts; the ground of this distinction being, that in the two former much of the miscellaneous business partakes of a judicial character, and requires something more than time for its disposal, while in the latter it consists almost entirely of cases relating to the execution of decrees, and may as well be collectively exhibited as separately. The Sudder Ameen's Court stands alone, and the result of his labors cannot be appropriately aggregated with either of the two preceding classes. It will be observed, that the miscellaneous business of the Judges' and the Principal Sudder Ameens' Courts is in this table divided into two classes, the one under headings 1 to 21, the other under headings 22 to 25 of the monthly and annual statement No. 2; and it may be advisable in this place to explain the nature of the cases which fall under each class. The best and most convenient way of doing this may be to transcribe below* the

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* No. 1.—Petitions for review of judgment.
No. 2.—Petitions of appeal from orders rejecting or dismissing, on any default, original suits.
No. 3.—Petitions of appeal from interlocutory orders, in regular suits.
No. 4.—Petitions of appeal from orders of the Native Judges in miscellaneous cases referred to them.
No. 5.—Petitions of appeal from orders reversing sales in execution of decrees.
No. 6.—Petitions of appeal from all other orders passed in execution of decrees.
No. 7.—Petitions of appeal from orders imposing fines on any account.
No. 8.—Petitions for the readmission of appeals, after dismissal on default.
No. 9.—Petitions for appointment of Curators to property of deceased persons.
No. 10.—Applications for certificates for the collection of debts on successions.
No. 11.—Petitions for the nomination of an administrator or guardian.
No. 12.—Petitions from paupers regarding probable grounds of action and probable grounds of appeal.
No. 13.—Petitions from paupers on the point of pauperism.
No. 14.—Petitions from insolvents.
No. 15.—Petitions for the redemption and foreclosing of mortgages.
No. 16.—Applications for the execution of decrees.
No. 17.—Petitions from parties praying for reversal of sales or objecting to orders passed in the execution of decrees.
No. 18.—Cases of resistance of process, whether in execution of decrees or otherwise.
No. 19.—Applications for the execution of awards of arbitrators.
No. 20.—Precepts and proceedings from the Sudder Dewanny Adawlut.
No. 21.—Precepts and proceedings from the Special Commissioners.
No. 22.—Proceedings received from other districts from Collectors, Magistrates, and all other European functionaries.

entries under each heading of the statement, and to add, that the cases represented in headings 2 to 7 and 9 to 12, cannot be referred to the Principal Sudder Ameens for investigation, report or decision, under the provisions of Act XXV. of 1837, which placed the aid of those functionaries at the disposal of the Zillah Judges in disposing of miscellaneous business. That provision of the Act in question, which declares their decisions in such cases to be appealable, primarily to the Judge, and specially to the Sudder Dewanny Adawlut, excludes from their cognizance all cases, which are in the nature of an appeal from the orders of the lower Courts; otherwise, either the legal anomaly of a fourth appeal would be superinduced, or the jurisdiction of the Sudder Dewanny Adawlut would be barred; and the few cases that do not partake of that nature, are either expressly declared by the law, or have been construed by the Courts of Sudder Dewanny Adawlut, to appertain exclusively to the province of the Zillah Judge. The necessary consequence of these restrictions is, that the miscellaneous business of the Courts forms a considerable and important part of the Judge's exclusive duties—considerable by reason of its quantity, and important owing to the nature of the matters which are thus brought under his cognizance, and which, many of them, must be promptly disposed of, if regard be had to the efficiency of the lower Courts in their executive capacity. This revised form of the monthly statement No. 2, came into use with the commencement of the past year, and the object of its revision was to accommodate it to the altered state of the law in many respects, since the original forms of monthly reports were first devised, and to secure the exhibition of the miscellaneous work, disposed of in the Courts of the Judge and Principal Sudder Ameen, more fully and specifically than in previous years. This object has been in some measure accomplished; but there are still included in the four last headings of the statement some matters, which are not purely miscellaneous in their character, and which are not disposed of without some expenditure of time and attention.

Object and contents of table No. 4 explained.

3. The Court think it desirable to keep in view the actual expense incurred by the Government in the maintenance of the Moonsiffs' Courts, as compared with the amount realized by the sale of stamped paper to litigants in those Courts, and have therefore instructed me to embody this information in a fourth table, which completes the series for each district.

Proposed abridgment of the statistical portions of the report will leave room for the discussion of general questions,

4. It is believed that this abridgment of the statistical part of the Report will not be the means of withholding from the Government any information regarding the administration of justice, and the character of the agents employed, which former Reports contained, while it will leave the Court at liberty to notice, in greater detail than has been hitherto usual, any subjects of general importance and interest, brought under their consideration either in the course of their judicial business, or in

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No. 23.—Proceedings and reports received from the Principal Sudder Ameen, Sudder Ameen, Moonsiffs, Nazirs, and other Native functionaries.

No. 24.—Cases connected with the custody and disposal of property of intestates.

No. 25.—All other miscellaneous petitions, motions, reports, or business of any description not included under the above heads.

correspondence during the year, or in the reports of the Zillah Judges. If, in pursuance of this purpose, correspondence touching on doubtful points of law and practice be printed in the Appendix, and such extracts from the Zillah Reports, as may be deserving of attention, on account either of the opinions expressed, or the information contained therein, be incorporated with the Court's Report, it may possibly be serviceable as a vehicle of instruction, as well as a record of facts, and encourage useful discussion, as well as impart a stimulus to official industry. It will not be thought necessary, in commenting on the result of operations in the several districts, to examine the official qualifications and merits of the judicial functionaries, with reference either to the quantity of work which they have dispatched, or the issue with which appeals from their decisions may have been attended; nor will the Court, save in a general way, advert to these topics at all, unless unusual success or failure, extraordinary merit or demerit, call for commendation or censure.

and thus it may become something more than a record of facts;

merits of officers, individually will not be examined,

save in a general way, the Court's remarks being confined to instances of extraordinary merit or demerit.

5. It only remains to add, before proceeding to report on the administration in each district, that the general statements, herewith submitted, have been divested of all the details which they formerly exhibited, and represent with sufficient brevity and clearness the work done in all the Courts of these provinces, collectively. In adoption of the forms used by the Calcutta Court, the only distinction admitted is that between the "Regulation" and the "extra Regulation" provinces, to each of which a separate heading in each statement has been assigned, and at the foot of each a comparative view of the information, which it is designed to exhibit for the year under report, and that preceding it, has been added. It is hardly necessary to explain, that the abridgment of these general statements follows, as a matter of course, upon the exhibition of statistical facts respecting the judicial business of each district in separate tables, sufficiently comprehensive to satisfy the enquiries of those personally interested, or those who by the nature of their office are required to seek for detailed information.

The general statements have been divested of details,

owing to their exhibition in separate tables for each district,

ZILLAH DELHIE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr.	10 Cases pending beyond one year.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	489	5587	152	6248	126	2780	312	2574	456	1	717750
1846, ...	456	4913	121	5490	81	2680 *	171	1967	591	0	320668
Increase, ...	0	0	0	0	0	0	0	0	135	0	0
Decrease,....	33	674	51	758	45	100	141	607	0	1	397082

* Of which *Ex parte*, .. 505
Confession of judgment, 686
—— 1191
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 74 *Days*.
Session & Criminal Sittings, .. 38 „
‡ 4 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	Average of appeals instituted to suits decided.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge,† Mr. J. P. Gubbins, .. Orgls	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Judge,† Mr. J. P. Gubbins, .. Appls	25	279	5	309	76	175	0	17	41	0	13296	0	0	5	5	0	0	0	2.6
P. S. A. Mohumed Sudder Ooddeen Khan, ... Orgls	41	119	5	165	1	79	11	36	38	0	255004	50	69	‡32	9	19	0	1	15.84
P. S. A. Mohumed Sudder Ooddeen Khan, ... Appls	0	0	76	76	0	76	0	0	0	0	0	0	0						
S.A. Ekramooddeen, Delhi	68	889	8	965	0	458	49	357	101	0	23124	31	74	78	28	39	0	6	9·02
S.A. Abdoor Rehman and Shamachurn, Goorgaon, .	67	388	10	465	0	127	12	266	60	0				32	15	16	0	0	7·9
S.A. Attaoollah, Rohtuck,	75	699	1	775	1	331	5	367	71	0				26	8	14	0	2	3·69
Moonsiffs. Mirza Mohumed Beg and Syed Ahmed Khan, Delhi, ..	41	735	4	780	2	368	14	301	95	0	29244	321	4089	43	11	27	0	4	6·29
Moonsiffs. Kasimally, Paneeput,	45	701	5	751	0	345	11	353	42	0				45	24	19	0	1	6·34
Moonsiffs. Fuqueer chund, Hissar	36	433	3	472	1	331	11	81	48	0				12	5	5	0	0	2·83
Moonsiffs. Sookbasee Lall, Noh,	33	460	1	494	0	265	27	134	68	0				19	8	7	0	2	4·46
Moonsiffs. Buldeo Pershad, Sirsa,	25	210	2	237	0	124	31	55	27	0				1	1	0	0	1	·47
Total, .	456	4913	121	5490	81	2680	171	1967	591	0	320668	402	4232	293	114	146	0	17	6·08

43·84 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings nos 1 to 21	3	317	7	327	47	249	16	0	15	0
,, Ditto ,, 22 to 25	8	3162	1	3171	0	3167	0	0	4	0
1 PSA headings nos 1 to 21	40	336	44	420	6	274	102	0	38	1
,, Ditto ,, 22 to 25	0	186	0	186	0	186	0	0	0	0
3 Sudder Ameens, ..	115	1030	0	1145	5	808	238	0	94	0
5 Moonsiffs, ...	127	1368	0	1495	15	1180	222	0	78	0
Total.	293	6399	52	6744	73	5864	578	0	229	1

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial Establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Dehlie, ...	1680	0	0	2771	12	0
Moonsiff Paneeput, ..	1680	0	0	2647	0	0
Moonsiff Hissar, ...	1680	0	0	1752	14	0
Moonsiff Noh, ...	2280	0	0	1402	8	0
Moonsiff Sirsa, ...	1680	0	0	724	12	0
Total. ..	9000	0	0	9298	14	0

The Judge's report calls for few remarks.

6. Neither the statements (as epitomized in the foregoing tables), nor the report with which they have been submitted by Mr. J. P. Gubbins, seem to the Court to call for particular notice. It will be observed,

There was a smaller income of business,

that during the past year there was a large falling off in the income of business, and a reference to the entries in the 8th column of the foregoing comparative table favors the conclusion, that the Court's Circular Order, No. 272, dated 23rd January, 1846, in explaining the intent and meaning of the law regarding the indemnification of plaintiffs for the value of stamp paper of plaints in adjusted suits, has caused the decrease in question. If this conjecture be correct, the effect of the order affords room for congratulation, as it contains nothing of a nature calculated to discourage the institution of *real claims*, but, by requiring the acknowledgment of *both* parties as to the adjustment of the matter in dispute before refunding the value of the plaint, it is fitted certainly to put a stop to fictitious litigation, and it would seem to have accomplished this object. In other districts the same result, though not perhaps to so remarkable an extent, will be observed. There was no arrear, either regular or miscellaneous, in any of the Courts of the Delhie territory, when 1846 came to a close, and there is no reason to question the industry of the several officers engaged, most of whom are, in other respects also, well reported of by their superior. The proceedings of Kasim Ali, Moonsiff of Paneeput, who was unfavorably mentioned in the Court's last Report, are still regarded, more or less, with doubt and mistrust by Mr. Gubbins, and neither Sookhbassee Lall, nor Fuqueer Chund, the former Moonsiff of Noh, the latter of Hissar, is commended; but against none of the three is there any thing tangible, that could be justly made the ground of measures for their removal from this department.

owing, it is thought, to the effect of Circular Order, No. 272, dated 23rd January, 1846, in checking fictitious litigation.

No arrears of any importance existed at end of year, and officers, with one or two exceptions, were industrious.

Pundit Mohesh Chunder's forfeiture of office, and his subsequent restoration were separately reported;

7. All the particulars connected with the forfeiture of office, incurred by Pundit Mohesh Chunder, late Sudder Ameen of Goorgaon, and his ultimate restoration on the ground of his absence beyond the period of leave granted to him having been involuntary, are before the Government in the correspondence* noted below, and this passing allusion is a sufficient record of the incident. Nor does it seem useful to refer in greater detail to another correspondence,† which passed during the period under review, because it relates to the interpretation of rules, which were passed by Government on the 7th October, 1841 to regulate the communications of the Civil and Criminal authorities with the royal family at Delhie, and have therefore only a local interest and application; but the point of practice, considered and determined in the letters‡ specified below, is not peculiar to this district, and the concurrent opinion of both Sudder Courts respecting it, though not perhaps of sufficient importance to call for a Circular Order, is promulgated in this form (vide Appendix A) for general information.

And other correspondence relates to a subject of purely local effect and importance, and therefore is not recapitulated.

But the publication of the Court's opinion regarding the power of the Civil Courts to execute process of arrest on a holiday, is thought useful.

The Moonsiff's divisions remain unaltered.

8. I am directed to add, with reference to the statement made in the 6th paragraph of last report, that the jurisdictions of the subordinate Courts have been allowed to remain unaltered, as reported for the information of Government in my letter, No. 1525, dated 29th September, 1846.

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* My letter No. 392, dated 27th March, 1847, with 11 enclosures.
Your reply, No. 1751, dated 28th April.

† My letter, No. 984 dated 4th July, with its several enclosures.
Your reply, No. 3089, dated 24th idem.

‡ My letter to Calcutta Court, No. 697, dated 9th May, 1846.
From Calcutta Court, No. 818, dated 5th June.

ZILLAH SAHARUNPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	1259	4783	276	6318	135	2587	324	1883	1339	6	277788
1846, ...	1339	4587	50	5976	36	2534*	351	1744	1311	5	301251
Increase, ...	80	0	0	0	0	0	27	0	0	0	23463
Decrease,.. ..	0	196	226	342	149	53	0	139	28	1	0

* Of which *Ex parte*, .. 635
Confession of judgment, 676
— 1311
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

* 3 To S. D. A.
† Civil sittings, 181 days.
Session and Criminal Sittings, .. 50

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrpn. of suits.*		*Result of Appeals.*					*Averaged appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge Mr. G. F. Harvey,†	Orgls 0	0	4	4	4	0	4	0	0	0	0	0	0	0	0	0	0	0	0
	Appls 105	206	1	312	0	226	15	7	64	0	23750	0	0	1	1	0	0	0	·4
P.S.A. Mohumed Hoosein,.. ..	Orgls 67	181	15	263	4	147	13	37	62	1									
	Appls 0	0	0	0	0	0	0	0	0	0	180431	35	170	*32	11	37	2	3	15·04
P.S.A.Mr.A.Ross,	Orgls 6	24	0	30	0	13	2	4	11	1									
	Appls 0	0	0	0	0	0	0	0	0	0									
S. Ameen,.. .. (none),	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs. Mr. H. N. L. Berkeley, Saharanpore, ..	153	914	8	1075	4	440	45	391	195	0				45	9	33	2	1	5·13
Sheikh Ahmud, Sirsawah, ...	151	535	8	694	9	303	32	259	91	0				22	6	20	0	1	3·7
Busheeroollah, Deobund, ...	220	349	3	1072	9	385	119	220	339	0				51	9	40	4	0	7·04
Ameenooddeen, Shamlee, ...	433	818	5	1256	3	506	34	352	361	3	97070	383	2793	32	7	27	4	0	3·58
Mohumed Yaheea, Moozuffernugger, ..	158	764	6	928	3	369	71	371	114	0				23	4	19	1	1	2·83
Mr. A. Ross, Deyrah Doon, ...	46	296	0	342	0	145	20	103	74	0				5	0	3	1	0	1·86
Total, ..	1339	4587	50	5976	36	2534	351	1744	1311	5	301251	418	3963	211	47	179	14	6	4·55

20·79 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headings nos 1 to 21	30	171	1	202	21	155	7	0	19	0
,, Ditto ,, 22 to 25	26	4252	0	4278	325	3583	292	0	78	0
2 PSA's headings nos 1 to 21	140	379	34	554	0	263	171	0	120	4
,, Ditto ,, 22 to 25	4	153	18	175	1	171	2	0	1	0
Sudder Ameens (none) ..	0	0	0	0	0	0	0	0	0	0
6 Moonsiffs, ...	946	3407	0	4353	5	1329	2081	0	938	3
Total, ..	1147	8362	53	9562	352	5501	2553	0	1156	7

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald by sale of stamps.		
Moonsiff Saharunpore,	1680	0	0	4974	0	0
Do. Sirsawah, ...	1680	0	0	2893	0	0
Do. Deobund, ...	2280	0	0	4463	8	0
Do. Shamlee, ...	2280	0	0	4066	8	0
Do. Moozuffernugger,	1680	0	0	4193	10	0
Do. Deyrah Doon, ..	0	0	0	1075	4	0
Total,	9600	0	0	21665	14	0

In illustration of foregoing tables, the number of applications for execution of decrees, disposed of, stated.

9. The Court believe, that, in elucidation of the foregoing tables, it is only necessary to state that among the miscellaneous cases, shewn (column 6) to have been disposed of by orders on the merits, are included 1246 applications for execution of decree, in 685 of which the claim was fully satisfied, and in 561 partially enforced. The cases of this nature, struck off on default, still continue to be very numerous, but the Court, for the reasons given in the 12th paragraph of their last Report, are not inclined to think that the system in operation is either wrong in principle, or so injurious in its consequences as to call for remedial measures. At any rate, with no more information than the following extract from Mr. Harvey's report affords, no such measures can be undertaken, the less so, as the evils noticed would seem to be inseparable from the rule of law, which allows a decree-holder to sue out execution at any time within 12 years from its date, and from the practice which is authorized by Constructions Nos. 935 and 1056. The Government are aware, that, deferring to the objections very generally urged to this practice, and to the wish implied in paragraph 11 of your letter No. 960 dated 26th February last, the Court have consented to review the correspondence connected with the subject of those Constructions, and to reconsider it in all its bearings. "There can be no doubt," says Mr. Harvey, "that parties holding old decrees are enabled to extract money "by the threat of executing them; that this system has a tendency to "prevent an insolvent from recovering from his difficulties; that in many "cases old decree-holders hang back, until they observe execution sued "out under a new decree, when they slip in to share in the profits of the "sale of property, which the new plaintiff has been at the trouble to point "out, and bring to sale, and which in many cases has been acquired long "since the issue of the old decree." The classified return alluded to in the Court's last Report Mr. Harvey proposes to submit, when in possession of more certain data than he has yet been able to collect.

Large proportion struck off, noticed, in consequence of the system in force, which cannot be as yet remedied;

but Constructions Nos. 935 and 1056, will be reconsidered.

The re-arrangement of Moonsiffs' jurisdictions has contributed, Judge thinks, to equal distribution of work:

10. The re-adjustment of the Moonsiffs'* jurisdictions, is thought by the Officiating Judge to have the effect of bringing about a more equal distribution of work, and little importance is attached by him to the fact of the income of business in the Courts at Shamlee and Deobund being much in excess of that in the other Moonsiffees, so long as the "keeping down the files" in those Courts is feasible. The inequality, however, as may be seen on reference to the tables, is still very considerable, and it is obvious that, while such inequality exists, the agency available is not employed to the best advantage; nevertheless, there are other considerations, which must not be lost sight of in defining the limits of each Court's jurisdiction, and these are such as cannot escape the notice of the Local Officer, to whose judgment therefore the Court are disposed to defer, the more so, as the present arrangement has been but a short time in force, and it is hardly possible to judge, with any confidence, of its fitness,

inequality still considerable, but Court must for reasons stated defer to local officer's opinion.

The files were in good order at end of the year.

11. None of the old cases, either regular or miscellaneous, which remained undecided at the close of 1846, involve delay or negligence on the part of the Officers concerned, nor do the details represented in the statements call for remark. It may be added, with reference to the

* *Vide* my letter No. 1164, dated 3rd July, 1845, and No. 21, dated 4th January, 1847.

expectation expressed in the 9th paragraph of the Court's report for 1845, that " at the close of January, 1847, every appeal case on the Judge's " file, appertaining to the year 1846, had been decided or had been heard, " and was waiting the expiration of the prescribed notice to parties." The records of the Judge's Court have been properly arranged at a small outlay.

And records have been adjusted.

12. All the native judicial officers, the Court are glad to observe, are well reported of by Mr. Harvey, whose recommendation for the removal of Busheeroollah from Deobund, and Ameenooddeen from Shamlee, on account, as regards the former, of his having landed property within his jurisdiction, and as regards the latter, owing to old age and physical debility, will receive the due consideration of the Court, whenever a favorable opportunity may offer.

The native judges receive a good character from Mr. Harvey, who, however, recommends removal of two from their present posts.

ZILLAH MEERUT.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr.	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	1457	5183	372	7012	402	2836	758	1902	1114	10	260079
1846, ...	1114	4846	465	6425	419	2418 *	722	1594	1272	3	248084
Increase, ...	0	0	93	0	17	0	0	0	158	0	0
Decrease, ...	343	337	0	587	0	418	36	308	0	7	11995

* Of which *Ex parte*, .. 560
Confession of judgment, 902
1462
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 135 *Days.*
Session & Criminal Sittings, .. 79 ,,
‡ 5 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge,† Mr. A. W. Begbie & Mr. T.C. Plowden, Orgls.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appeals, ...	102	224	4	330	110	157	12	7	44	0	10417	0	0	3	3	0	0	0	1·7
PSA. Nawab Mhd. Ubdolla Khan,.. Orgls	39	117	6	162	0	82	9	29	42	2	115682	20	97	‡28	22	19	1	3	11·11
Appls	24	0	113	137	3	111	18	3	2	0	373	0	0						
S.A. Shamachurn Banorjee, & Ubdool Ruhman, Meerut, *Moonsiffs.*	65	156	160	381	1	187	54	77	62	1	34507	23	133	41	32	52	7	4	12·89
Nasir Ally Khan, Shamachurn, Mukhunlol, Meerut,	137	677	7	821	66	211	32	144	368	0				34	7	27	5	2	8·78
Kazim Ally Khan, Mukhun Loll, Hauper, ..	173	554	2	729	90	243	58	231	107	0				28	8	17	5	0	5·26
Nasir Ally Khan, Sirdhana,	161	608	30	799	66	210	79	283	131	0				17	4	5	2	0	2·82
Kuram Ally Khan, Dasna,	44	557	52	653	0	291	121	116	125	0	87105	29	1055	16	6	10	0	0	3·03
Mr. V. Berkeley, Boolundshehur, ..	96	474	79	649	2	294	95	188	70	0				34	16	21	2	1	5·89
Kazim Ally Khan, Sekundrabad, ..	180	913	4	1097	81	250	189	341	236	0				17	5	8	1	0	2·17
Mahomed Bux, Debaee, ..	93	566	8	667	0	352	55	175	85	0				18	7	7	1	0	3·09
Total, ..	1114	4846	465	6425	419	2418	722	1594	1272	3	248084	337	4285	236	110	166	30	10	4·98

39·85 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings nos 1 to 21	87	184	2	273	20	173	74	0	66	1
,, Ditto ,, 22 to 25	223	2960	0	3183	2	3067	0	0	114	2
1 P. S. A. Ditto nos 1 to 21	44	335	43	422	3	207	125	0	87	1
,, Ditto ,, 22 to 25	0	0	0	0	0	0	0	0	0	0
1 Sudder Ameen, ..	75	355	0	430	0	272	87	0	71	0
7 Moonsiffs, ...	540	2511	9	3060	2	1392	1164	0	502	3
Total...	969	6345	54	7368	27	5111	1390	0	840	7

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Meerut, ..	2128	4	6	2910	12	0
Moonsiff Hauper, ..	1460	10	3	2502	0	0
Moonsiff Sirdhana, ..	1481	4	10	2775	8	0
Moonsiff Dasna, ..	1680	0	0	2468	12	0
Moonsiff Boolundshr.,	2242	8	0	2475	0	0
Moonsiff Sikundrabad,	1455	0	0	2746	0	0
Moonsiff Debaee, ..	1680	0	0	1848	10	0
Total, ..	12127	11	7	17726	10	0

13. It will be observed that, though the income of business, both regular and miscellaneous, fell short of that in 1845, there was an increase in the amount of arrear on the file of the former department, which would seem to be traceable to the numerous changes of incumbency, shewn by the preceding statements to have taken place in the several Courts, to the vacation of the Meerut Moonsiffee for a considerable time owing to the omission of the Officiating Judge to nominate a temporary substitute for the Court's approval, and possibly in part to the inexperience of the newly appointed officers. The circumstance, however, is hardly of such importance as to need even this explanation, for there was no such accumulation of arrear at the end of the year, as to interfere with the efficient working of the several Courts, nor were the cases of long standing numerous. The business of the miscellaneous department has received the requisite degree of attention, and the results which are exhibited above comprise the complete or partial execution of 1442 decrees, in the proportion of 732 to the former, and 710 to the latter category. The state of the files does not appear to the Court to call for further remark.

Arrear has increased on regular file, for reasons apparent on the face of tables;

business, however, of both departments has been properly attended to.

14. Mr. Begbie, as the Government are aware, was employed elsewhere from the 3rd May to the 1st December; but his report will be found, notwithstanding, to contain all that is requisite to elucidate the tabular entries above given, and, generally, the operations of the Courts during the past year. He directs attention to the large proportion of the Principal Sudder Ameen's (Mahomud Abdoollah), and the Sudder Ameen's (Abdool Ruhman) decisions, which were reversed or modified in appeal, as being somewhat unsatisfactory, and it is worthy of notice, that the proportion borne by appeals preferred from their Courts to the number of decisions passed, is also larger than in the case of the other subordinate judges. But in neither the one nor the other fact is there so much necessarily condemnatory of the judgment of those officers as Mr. Begbie would seem to suppose; the more difficult and important nature of the suits, laid in those Courts, would naturally lead to the more frequent institution of appeals, than might be usual in the case of the Moonsiffs' Courts, but the proportionate number of these appeals, though large in comparison with those from the other tribunals of the Meerut district, fall very far short of the number exhibited in the returns from other districts; as, for instance, Ghazeepoor, Jounpoor, Goruckpoor, *quod vide*; in the latter, the proportion of reversals resulting may possibly be smaller, but the inferences, hence deducible (if favorable) are counteracted by the impression which the larger number of appeals preferred is calculated to produce. Argument, however, is thrown away on such a subject as this; it is impossible to form a satisfactory, much less a conclusive judgment respecting the qualifications of judicial officers, on figured statements only, however comprehensive and exact. The ability, knowledge and experience of the local appellate officer, his acquaintance with native character, and his capacity to appreciate native evidence, above all the nature of the suits brought before the Courts, and of the questions adjudicated in appeal, besides other considerations, should be borne in mind; and the figured returns can only be received as *primâ facie* evidence of good or bad judgment on the part of those, whose proceedings are subjected to revision in appeal, and as affording ground, if need be, for further enquiry. Aided by their personal knowledge of the character of their subordinates, the Zillah Judges are in a better position, than the Court, for arriving at a correct opinion respecting their qualifications, and should endeavor, in forming it, to look upon the figured statements of appeals, as an indication, merely, rather than a sufficient

The Judge's report full:

but his remarks as to appeals from the Principal Sudder Ameen's and Sudder Ameen's Court, not concurred in by Sudder Dewanny Adawlut for reasons stated.

No conclusive opinion regarding the qualifications of the judicial officers can be derived from figured statements,

which should be taken rather as an indication or guide, than a satisfactory standard.

and satisfactory test, of the degree of official ability possessed by their subordinates. The Court have stated in the 54th paragraph of their last report, and they again repeat, that "they are reluctant to look upon" the result of appeals "as a safe test of judicial efficiency."

Comparison invited between the entries in columns 12 and 13 of table No. 2, with corresponding entries in the tables for the districts of Benares Province.

15. The Court cannot close this section of their report, without calling attention to the 12th and 13th columns of the table No. 2, and inviting a comparison thereof with the corresponding entries in the districts, composing the province of Benares. The very small proportion of suits relating to interests in land, or claims to real property under whatever form, contrasts remarkably with the character of the litigation that is found to prevail in the districts referred to, and constitutes perhaps better ground for estimating the labors of the officers concerned, than the quantity of work disposed of.

Judge's instructions for securing an uniform rate of Tullubana in the three superior Local Courts may be generally followed, and are therefore subjoined.

16. The 20th paragraph of the Judge's letter alludes to a measure, which may be generally adopted, the Court think, with advantage, and it is therefore incorporated with this report. Extract (paragraph 20), "I find that, hitherto, different rates of Tullubana have been main-
"tained in the three Sudder Courts, viz. those of the Judge, Principal
"Sudder Ameen, and Sudder Ameen, which obviously ought not to be.
"I have therefore directed a revision to be made of the tables of distances
"from the sudder station, on the same principle as those from the
"Moonsiff's Kucherrees, and when the same is completed, copies will
"be furnished to the Principal Sudder Ameen and Sudder Ameen, and
"thenceforward one uniform rate will be adopted by the three Courts."

Calcutta Court consulted as to the issue of Circular Order relative to the investigation of claims to property, advertised for sale in execution of decree.

17. The Court have thought it advisable to communicate with the Calcutta Court on the subject of Mr. Begbie's 23rd paragraph, with a view to the issue of a Circular Order to regulate the practice of the judicial officers, generally, in the reception and investigation of claims to property advertised for sale in execution of decree, and of objections to the intended sale.

The Judge has invited his subordinates to express their opinions on matter falling under their notice:

18. It seems to the Court, that Mr. Begbie has acted judiciously in encouraging the uncovenanted judges to express annually their opinions on such matters of a general nature, as may have fallen under their observation, and that the example might be elsewhere followed with advantage. In the course of their judicial practice they must become acquainted with facts, bearing on the civil administration, which it would be important for the controlling authorities to know, and they must have many opportunities of marking the operation and effect of legislative Acts, and of the Circular Orders, issued by the Court for their guidance: the facts and opinions, contributed by them, if new or valuable, may be made available for useful purposes, and, if of another character, they may be left unheeded, and no harm can ensue. The substance of the communications, which Mr. Begbie's invitation has called forth, is contained in the 25th—30th paragraphs of his report, which, in pursuance of the plan proposed by the Court in the 4th paragraph, are here inserted.

the substance of communications, thus obtained, is subjoined.

"25th. In pursuance of these instructions, the Principal Sudder
"Ameen laments the enactment of Act V. of 1840; the effect of
"which, he affirms, has been to encourage perjury and the institution
"of fraudulent suits, the natives of this country not having the
"same regard for the affirmation substituted by the Act, as they had
"for the ancient forms of oath. On this subject, my own opinion coin-
"cides with that of the Principal Sudder Ameen; but the act having
"been passed, it is to be presumed, on mature deliberation, there is no
"ground for hope that the old order of things will ever be restored. I

" look upon the present form of adjuration as a perfect nullity. It " would, I think, be preferable to dispense with any declaration what- " ever, and simply to impose the penalties of perjury on all persons giv- " ing false testimony in a court of justice.

" 26th. The Sudder Ameen remarks, that the former prevalence of " cases of resistance of process is ascribable to the corruption of the " muzkooree peons, who on receiving a consideration from the arrested " defendants, connived at a mock resistance, and favored the evasion of " the bribing parties. He states, that he has adopted measures to put " a stop to this practice, and that, in consequence, cases of resistance " of process have considerably diminished in number. I think it very " probable that the opinion of the Sudder Ameen in this matter is well " founded; but as he has not stated any particulars, I have called on " him for a comparative statement, shewing the number of cases of " resistance of process for the period of one year, antecedent to the " adoption of his precautionary measures, and for the same period, " subsequent thereto. The same officer records his opinion, that frau- " dulent suits are much more prevalent in this district than in others in " which he has been employed, although he admits that no district is " free from the imputation.

" 27th. The Moonsiff of Debaee appears to consider the Circular " Order of the Sudder Dewanny Adawlut, No. 1131, under date 2nd " July, 1845, opposed to the provisions of clause 5, section 25, Regula- " tion XXIII. of 1814, but is of opinion that the extension of that Cir- " cular Order to the Moonsiffs' Courts would be beneficial. The sup- " posed contradiction does not exist, as the Circular Order evidently " is intended to apply to the Courts of the Judges and Sudder Ameens, " mention being made of the specific law by which *their* practice is guid- " ed. In the Moonsiffs' Courts, if the rejoinder be not filed within the " fixed period, (*i. e.*, that specified in the second clause of the section " quoted by the Moonsiff) the Moonsiffs are not bound to await the " expiration of six weeks, nor, with reference to the small value of the " suits tried by those officers, does it appear to me that there is any " necessity for an alteration of the law, as the proceedings in those " Courts would be thereby protracted without any corresponding " advantage.

" 28th. The Moonsiff of Boolundshehur represents that the busi- " ness of his Court is much diminished by the new arrangement of the " Moonsiffs' jurisdictions; and he ascribes this falling off to the sepa- " ration from his jurisdiction of pergunnahs Khoorjah and Sikundra- " bad. On comparing the income of suits with that of the preceding " year, the Court will observe, that the Moonsiff's remark is not un- " founded; and should his file continue in the same reduced state, it " may, perhaps, be deemed expedient to re-transfer either, or both, of " the above named pergunnahs, from the Sikundrabad to the Boolund- " shehur Moonsiffee, and thereby effect an equalization of duty. The " file of the Sikundrabad Moonsiff is, at present, disproportionately " heavy, compared with all the other jurisdictions.

" 29th. Mr. Berkeley is of opinion, that the Circular Order of the " 23rd January, 1846, has been of great benefit in checking the insti- " tution of fraudulent suits, and that formerly the indiscriminate refund " of the value of the institution stamp tended greatly to promote false " claims.

" 30th. The Moonsiff of Haupoor submitted a rather long report, " but I can find nothing in it, which calls for any notice. None of the " other Moonsiffs offer any suggestions whatever."

ZILLAH ALLYGURH.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	1095	5130	270	6495	223	3666	421	1247	933	0	335691
1846, ...	933	5599	506	7038	509	3686 *	354	1530	959	2	348264
Increase, ..	0	469	236	543	281	20	0	283	26	2	12573
Decrease, ..	162	0	0	0	0	0	67	0	0	0	0

* Of which *Ex parte*, .. 827
Confession of judgment, 1729
2556
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil sittings, 196 *days*
Session and Criminal Sittings, 46 ,,
‡ 7 To S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrpn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge Mr. M.J. Tierney,† .. { Orgls	0	0	134	134	133	0	0	0	1	0	0	0	0	0	0	0	0	0	0
{ Appls	135	308	6	449	196	156	9	12	76	0	40759	0	0	6	6	0	0	0	3·38
P. S. A. Villayet Ullee, .. { Orgls	43	104	4	151	4	73	6	8	60	1	212076	49	55	‡38	27	23	2	3	14·44
{ Appls	11	0	174	185	6	164	7	5	3	0	1049	0	0						
SA Mohd Kasim Allygurh *Moonsiffs.*	61	223	59	343	1	221	18	27	76	0	44505	92	131	58	11	24	2	6	21·8
Mobarizooddeen, Khyr,	79	600	16	695	0	378	24	168	125	0				11	6	9	0	1	1·92
Gholam Gouse, Kasgunj,	47	624	20	691	1	397	69	123	108	0				29	13	22	0	0	4·98
Zeaooddeen, Attrowlee,	75	633	53	761	22	343	60	240	96	0				18	8	14	1	2	2·79
Inayet Ahmed, Coel, ..	254	1628	24	1906	98	911	67	609	221	0				85	21	65	4	2	5·35
Alleeruza Khan, late Moonsiff of Hattrass,	80	702	15	797	22	154	17	52	130	0	49875	360	4664	37	11	32	2	2	5·73
Ali Bux, oft. do. Hattrass.	0					307	17	98		1									
Mahomed Subheeoodeen, Jullaisur, ..	50	348	0	398	18	256	17	73	34	0				8	1	4	2	1	2·31
Gholam Moheeoodeen, Ryah, ...	98	429	1	528	8	326	50	115	29	0				35	13	21	3	2	7·12
Total. ..	933	5599	506	7038	509	3686	354	1530	959	2	348264	441	4850	325	117	214	16	19	5·83

35·34 per cent. reversals.

* From Jan. to Sep.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10	11
Judge, headgs nos 1 to 21	191	470	12	673	38	534	69	0	32	0	
,, Ditto ,, 22 to 25	149	6911	0	7060	41	6929	0	0	90	11	
P. S. A. ditto nos 1 to 21	164	482	22	668	13	392	141	0	122	0	
,, Ditto ,, 22 to 25	12	436	19	467	0	455	1	0	12	0	
1 Sudder Ameen, ..	107	766	13	886	13	567	158	0	142	0	
7 Moonsiffs, ...	593	4067	166	4826	122	2356	1716	0	632	0	
Total, ..	1216	13132	232	14580	233	11233	2084	0	1030	11	

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Khyr, ..	2281	0	0	2778	0	0
Do. Kassgunj, ...	1949	0	0	2071	0	0
Do. Attrowlee, ...	1680	0	0	1595	0	0
Do. Coel, ...	1680	0	0	3973	0	0
Do. Hattrass, ...	1531	0	0	3139	0	0
Do. *Jullaisur, ...	1363	0	0	1355	0	0
Do. *Ryah, ...	1260	0	0	1938	0	0
Total, ..	11743	0	0	16848	0	0

The business, though larger than in 1845, has been well attended to

and quickly dispatched,

without any arrears of long standing being left.

19. The comparative table No. 1, shews, that though there was a considerable increase in the income of Civil business during the year 1846, the arrear on the several files, at its close, was not correspondingly larger. All the officers engaged would seem, from the further details entered in table No. 2, to have discharged their duties with diligence, proportioned to the necessity for its exhibition, and with a measure of activity which leaves no room for complaint in that respect. In the regular department, it will be observed, there were but two cases, of longer standing than a twelvemonth, undecided, and of these one was determined early in this year, while the other was remanded for re-trial in December. On the miscellaneous files, the only cases of this description related to intestate property, and could not be disposed of before the expiry of the period allowed by law for the appearance of claimants.

Result of operations in execution of decrees, not very successful.

20. The result of operations in carrying out decrees to execution has not been very successful, though there is no ground to suppose that this is attributable to any official remissness: 652 were fully enforced in all the Courts, while 1169 adjudged claims were partially settled, and no less than 1977 cases were struck off on default of the decree-holder to proceed in the execution of his decree.

With reference to opinion elsewhere expressed, the small proportion of appeals is thought to arise,

firstly, from the small number of suits relating to real property,

and secondly, from numerous *ex parte* and *Ikbaldawa* decisions.

21. It seems proper, with advertence to the proportion and issue of appeals, as exhibited in the six last columns of table No. 2, to remark, that the former tends to support the opinion, which the Court have expressed elsewhere, that the number of appeals will, generally speaking, be large in those districts, where claims relating to real property compose a large proportion of the judicial business, and *vice versâ:* of 5291 original suits, which were instituted during the past year in the several Courts established in this district, no more than 441 were of the nature above indicated, and to this fact, as well as in some measure to the great number of cases decided *ex parte*, or on confession of judgment, may the unusually small proportion of appeals preferred to judgments passed, be with reason attributed. In regard to the issue of Moonsiffs' appeals that went to trial, it should be observed that the Judge disposed of 96, reversing the orders of the lower Court in the proportion of 20·8 per cent., while the Principal Sudder Ameen interfered with the decision appealed from in 53 (36· per cent.) out of 144 cases, that were revised by him in his appellate capacity.

Two Moonsiffs' Courts have been made over to Agra, *since last* report's date.

22. Since the date of the Court's Report for 1845, the Moonsiffees of Ryah and Juleysur have been transferred to the jurisdiction of the Agra Judgeship, for reasons which have been laid before the Government in separate correspondence, and which are alluded to in the remarks under the head of AGRA.

The Judge alludes to two subjects,

which, as they have already received Court's attention, call for no notice in this place.

23. In the concluding paragraph of his report Mr. Tierney touches upon two points of no mean importance: one is the common practice of judgment debtors colluding in the institution of fictitious suits, and filing *Ikbaldawa* for the purpose of securing to the *(quasi)* decree-holders a rateable share in the assets of property sold in execution of the *bonâ fide* decree, and thus defrauding the actual creditor. The other is the prevalence of fictitious suits, founded on forged bonds, and for the removal of both these evils Mr. Tierney proposes an extension of the registry laws; the Court, having of late had their attention directed to both these subjects, and having taken such measures in regard to them as seemed advisable, do not desire at present to examine the details of Mr. Tierney's proposal, or to commit themselves to any opinion respecting it.

ZILLAH MOORADABAD.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr.	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	2362	8019	1409	11790	1389	5156	793	1947	2505	2	256488
1846, ...	2505	6232	1217	9954	1216	4660 *	817	1399	1862	2	295156
Increase, ...	143	0	0	0	0	0	24	0	0	0	38668
Decrease, ...	0	1787	192	1836	173	496	0	548	643	0	0

* Of which *Ex parte*, .. 1261
Confession of judgment, 1071
2332
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 143 *Days*.
Session & Criminal Sittings, .. 95 ,,
‡ 12 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge,† Mr. H Lushington, Orgls.	0	3	404	40	407	0	0	0	0	0	0	0	3	0	0	0	0	0	0
Judge,† Mr. H Lushington, Appls.	79	558	4	641	382	116	4	9	130	0	18261	0	0	1	0	1	0	0	·77
PSA. Syud Tussuddook Hoossein Khan, .. Orgls.	11	53	7	71	3	36	2	13	17	1	68864	22	31						
PSA. Syud Tussuddook Hoossein Khan, .. Appls.	40	0	358	398	2	374	12	8	2	0	392	0	0	‡18	7	26	2	1	4·04
SA. Mohd. Hussun Khan, Mooradabad, ..	134	79	234	447	8	230	32	51	126	0	38544	45	94	69	23	44	2	0	22.04
SAMohmd Suleem, Bijnore *Moonsiffs.*	199	533	10	742	75	326	34	113	194	0				43	8	24	2	1	9·09
Saddoollah Khan, Umroha,	198	457	7	662	26	311	86	97	142	0				44	12	27	1	2	8·9
Mohd. Noor, Nugeenah,	246	811	44	1101	2	597	54	205	243	0				60	9	27	1	2	7·
MooizzoollaKhanDhampore	297	483	52	832	28	389	152	100	163	1				56	22	26	2	0	8·73
Hafeezooddeen Ahmud, Chundowsee, ..	285	682	46	1013	38	488	101	218	168	0				64	22	28	0	2	7·93
Tujumool Hoossein Khan, Sumbhul, ..	214	804	26	1044	116	448	113	190	177	0				53	16	30	2	2	7·05
Rehmut Oollah, Suheswan,	200	164	0	364	15	177	39	29	104	0	169095	1049	4430	14	6	4	0	0	5·71
Mashook Ali Khan, Mooradabad environs, ..	189	468	18	675	58	358	79	94	86	0				77	25	39	1	5	14·5
Quazee Mahomed Buksh, Mooradabad city, ..	160	497	5	668	19	371	40	165	73	0				3	11	25	1	2	5·9
Serajooddeen, Islamnugger	160	213	0	373	0	169	30	31	143	0				17	17	5	0	0	7·39
Uzmutoollah Khan, Thakoordwarah, ..	87	427	2	516	37	270	39	76	94	0				33	7	12	2	0	8·57
Total, ..	2505	6232	2	7 9954	1216	4660	817	1399	1862	2	295156	1116	4558	583	185	318	16	17	8·47

36·77 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headgs. nos 1 to 21	142	216	6	364	58	285	11	0	10	0
,, Ditto ,, 22 to 25	64	5583	91	5738	21	5706	1	0	10	0
1 P. S. A. Do. nos 1 to 21	32	141	79	252	0	161	61	0	30	0
,, Ditto ,, 22 to 25	17	493	182	692	0	674	14	0	4	0
2 Sudder Ameens, ..	178	1147	0	1325	34	884	233	0	174	0
10 Moonsiffs, ...	1074	5088	0	6162	35	3383	1740	0	1004	0
Total,..	1507	12668	358	14533	148	11093	2060	0	1232	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Umroha, ...	1680	0	0	1645	0	0
Nugeenah, ...	2380	0	0	3354	0	0
Dhampoor, ...	1680	0	0	1765	0	0
Chundowsee, ...	1680	0	0	2486	0	0
Sumbhul, ..	1680	0	0	2742	0	0
Suheswan, (5 months,)	700	0	0	500	0	0
Environs Mooradabad	2380	0	0	1428	12	0
City Mooradabad, ..	1680	0	0	1083	8	0
Islamnugger (5 mos.)	700	0	0	500	0	0
Thakoordwarah, ..	1680	0	0	1707	14	0
Total, ..	16240	0	0	17214	2	0

24. The changes of jurisdiction, which were stated in the 31st paragraph of the Court's Report for 1845 to be in progress, were carried into effect, as regarded the transfer of the Islamnuggur and Saheswan Moonsiffees to Bareilly, on the 1st June, and, as regarded arrangements in the interior, on the 1st July. It follows from this reduction in the strength of the subordinate agency, that a comparison of the figured returns for 1846 with those of the preceding year must yield results, in some degree fallacious, and it is necessary to state, that the total of pending cases, exhibited in the 9th column of the above tables, does not give the true number that awaited decision in the subordinate Courts of this district at the close of 1846, but 247 more cases on the regular, and 205 more on the miscellaneous file, because in the said total are included the cases, which were pending in the Moonsiffees of Saheswan and Islamnuggur at the time of their transfer to the jurisdiction of the Bareilly Court. But this fact is not in itself sufficient to account for the very great decrease in the income of civil business, which is represented by table No. 1 to have taken place; and it is necessary to look elsewhere for the cause. Two circumstances would seem to have contributed mainly to this result; and they are both such as to afford room for congratulation, rather than regret; the one is the activity with which forgery has been prosecuted during the past year, and the other is the Court's construction of the law, which directs, that the value of the stamp on which plaints are engrossed shall be refunded to the plaintiff, whenever the suit may be amicably adjusted at a certain stage of the proceedings.

The changes of jurisdiction render any comparison of the figured statements with those for 1845, useless;

but the great reduction in income of work is also, in part, attributable to the active prosecution of forgery,

25. In regard to the former, the Court cannot do better than extract the 17th paragraph of the Judge's report, which gives some account of its effect, and of the impression which the community generally have received. "One of the causes assigned for this decrease has "been the active prosecution of forgery during the year 1846. Several "cases, in which persons of wealth and apparent respectability have "been convicted, have been before the Magistrates and the Sessions "Judge. Numerous instances of forgery and fraud have come to light "in the course of these investigations, although it may not have been "found practicable to prosecute them to conviction; and all the Moon-"siffs, emulous of distinguishing themselves in this crusade against the "most prevalent crime in India, have reported on the cases which come "under their notice in the local Courts. In one month during the year, "the column of cases instituted before the Moonsiff of the city of Moo-"radabad was almost blank, and it was in answer to the verbal enqui-"ries which I made at the time from the best informed native gentlemen, "that I heard this 'relentless prosecution' of forgery generally assigned "as one of the reasons. Whether this, assuming it to be true, is matter "for congratulation or for regret, depends altogether upon the nature of "the suits which would have been instituted under other circumstances. "I am not disposed to think, that the punishment of falsehood would check "the exhibition of truth; and therefore, if the reason assigned have any "weight at all, I consider the Court of the Moonsiff to have been hap-"pily relieved of a load of dishonesty. I have been assured, not only by "the courtier and the dependent, but by the peasant and the shop-keeper, "that whole bundles of fabricated papers have been destroyed, and that "hundreds of persons have escaped, who, but for these energetic proceed-"ings, would ere this have become the victims of fraud." If this universal testimony be thought insufficient to establish the truth of this conclusion, it may be strongly corroborated by a comparison of the statement, which exhibits the description of suits instituted in the several Courts

which is described in para. 17 of Judge's report, subjoined.

The facts stated in extract are confirmed by entries in the statements,

during 1846, with the same return for the preceding year, and which shews, that the number of debts claimed during the period under review has been less than it was in 1845, by nearly 1500. These are the very suits, in the number of which active measures for the detection and suppression of forgery and fraud might have been expected to produce a reduction, for such claims are for the most part founded on bonds, or other written instruments of the same nature, which can be fabricated with the greatest facility, and established as the law requires (vide section 6, Regulation VIII. 1805) with equal ease in a country where every witness has his price, and where perjury is held to carry with it no moral degradation. The Court's opinion as to the second of the two causes of this falling off in the income of business, is verified by the entry in the eighth column of table No. 1, which exhibits a reduction of 548 in the number of suits adjusted or withdrawn during the past, as compared with the preceding year. If, as the Court conceive, the restriction prescribed by the Circular Order referred* to is not calculated to check the institution of *real claims*, it may be fairly inferred that its only effect has been to put a stop in some measure to fictitious or dishonest litigation, and in doing so, to relieve the Courts from the opprobium of being made instrumental in the accomplishment of unworthy ends.

which likewise shew, that the Circular Order dated 23rd Jan. 1846, has also operated in the same direction.

Execution of decrees is satisfactorily conducted;

26. The execution of decrees appears to be satisfactorily conducted in this district, though here, as elsewhere, the high proportion of cases, struck off on default, to cases decided on their merits attracts attention: 1621 claims were fully, 527 partially adjusted, and 1927 applications were struck off, owing to the decree-holders' failure to proceed, without any part of the decree being executed. The Judge's remarks on this subject are subjoined, and the Court, in acknowledging the justice of them generally, have only to add that, if injustice or evil of any kind be the result, it is chargeable, not to the system, as such, but to the dishonesty of those, who choose to profit by the necessities of the indigent, or the improvidence of the unwary, and condescend to make use of the Courts of Justice as instruments for the furtherance of their purposes. "In the "Court of the Moonsiff of the city of Moradabad, 474 out of 594 cases "of execution of decree were struck off the file on default. It is impos- "sible to suppose that nearly 500 attempts to execute decrees in one "Moonsiffee have been allowed by the decree-holders to fail from mere "carelessness, and we are compelled to believe either that the parties "satisfied their creditors without further interference on the part of the "Courts, or that the creditors by pressing their demand hope to obtain "some power over their debtors which they use for dishonest purposes. "That this idea is not altogether chimerical the criminal records of Mo- "radabad will shew: in several of the cases of perjury and forgery, "which have been investigated during the year 1846, this influence may "be traced; and although it is nothing new to say that men abuse "power, yet it would be very remarkable if they abused power of the "particular kind referred to so unscrupulously as to affect public statis- "tical statements."

Judge's remarks regarding one feature of the operations in this department subjoined.

Appeals not numerous, nor reversals very frequent,

27. It seems to the Court, that the results exhibited in the tables require little more remark; the proportion of appeals instituted is not large; nor is that of reversals so considerable as to call for explanation.

* Vide 6th para. of this Report.

At the same time, the Court desire to place on record the Judge's views respecting the duties of an appellate Court in this country, and his explanation of the causes which have led to the discrepancy, observable in the issue of appeals tried by him and the Principal Sudder Ameen, respectively. "There is one very remarkable feature in this exhibit. Out of "20 appeals, heard by the Judge from the decisions of Moulvee Mohu- "mud Hussun Khan, the orders were confirmed in 19 and reversed in "1; whilst out of 45 appeals from the decisions of the same officer, heard "by the Principal Sudder Ameen, the orders in 23 were confirmed and "in 22 were reversed. I am sorry to observe this extraordinary dis- "crepancy, which extends indeed to other parts of this statement, as it "seems to imply either a facility of confirmation on the one hand, or a "disposition to reversal on the other. The result of the Moonsiff's "appeals is similar: out of 73 I have reversed only 15; but the Principal "Sudder Ameen has reversed 140 out of 185. As the Principal Sudder "Ameen is an officer, whose ability and experience are well known to "the Court, I am unwilling to suppose that *he* has reversed any orders "which ought to have been confirmed, and I must leave it to the Sudder "to determine whether *my* ability and experience are such as to secure "me from having confirmed orders, which ought to have been reversed. "The cause of this is probably to be found in the adoption by one func- "tionary of some principle of decision which is not admitted by the other. "Only one principle upon which I proceed seems to me at all likely to "be in this predicament: namely, that, assuming integrity on the part "of the native judicial officers, they are likely to be as good Judges *on* "*questions of fact* as Europeans can be, perhaps better; and this principle "will lead to confirmations in many doubtful cases, the orders in which "might be reversed by an officer, who rejected or disregarded it. Now, "in our Courts the misls abound with conflicting evidence, and the Judge "who hears in appeal cannot, *cæteris paribus*, distinguish truth from "falsehood so certainly as he who tries the case in the first instance. A "Moonsiff is more likely to know the characters of the litigant parties "and of their witnesses than the Zillah Judge; he frequently cross exa- "mines the witnesses himself; and I hold it to be a dangerous and "unsound practice in a Judge to reverse the orders of a subordinate func- "tionary solely because he prefers one batch of witnesses, whereas the "Moonsiff preferred the other. The duties of a Judge appear to me to "be much more difficult and complicated in India than in England. In "the latter country, a Judge generally listens to evidence in the belief "that the witness means to speak truth, and however conflicting the "depositions may be, he seeks to reconcile them by reflecting how and "where the memory of each witness might have failed him. The Indian "Judge has no such guide; he listens to evidence in the belief that "the witness does not mean to speak the truth. The question with him "is not, whether any one assertion is proved or not, but which of two "proved assertions is the true one; and if he were to recognize the "principle of European Jurists that all evidence must be assumed to be "true, he would find it quite impossible to act upon it. In such a state "of things, I think it will be admitted that the opinion of a Moonsiff "*upon a question of fact* is at least as good as that of the Judge who "hears the case in appeal. This consideration may not have the same "weight with the Principal Sudder Ameen, which it has with me; and "I am unable to suggest any other explanation of the circumstance "noticed at the commencement of this paragraph."

but the Judge's views as to the duties of appellate Court in this country subjoined.

Various subjects of general interest are discussed in the Judge's report, of which one, viz. the present rules for prosecution of forgery and perjury has already formed the subject of correspondence with Government; result encouraging.

28. In the remaining paragraphs of the Judge's report are discussed various subjects of general interest and importance, which cannot be allowed to pass unnoticed in this place. Respecting one of them, the present rules, namely, for investigating and committing cases of forgery, originating in the Civil Courts, the Court have already been in communication* with the Government, and they are encouraged to hope from the concurrence which His Honor has expressed in their opinion, that the enactments on this subject may be ere long revised, and one comprehensive law passed, by which the Judge, still *alone* retaining the power of originating a prosecution in the cases contemplated, should be enabled to avail himself of the means possessed by the Magistrate for the apprehension of suspected offenders and the investigation of the charge. The object of the law, as it regards perjury, is to remove the objections of the people, generally, to give evidence in the Civil Courts for fear of being prosecuted by the party whose interests might be endamaged by their testimony; and the practice, required by the Court's Circular Order of March, 1846, has an analogous object in view, viz. to prevent the adjudication of questions of Civil right being transferred from the Civil to the Criminal Courts, by means of a Criminal prosecution laid by the party, to whose interests the documents, exhibited in Court, might be prejudicial. Both these objects, it is obvious, would be obtained by a law framed on the principle above described, which should allow to the Judge the option of investigating the case, or of making it over to the Magistrate, and the prosecution of forgery and perjury would at the same time be greatly facilitated.

The 24th para. of Judge's report, which contains a correct construction of Act XX. of 1841, is subjoined for information.

29. As the 24th paragraph of the Judge's letter contains a correct construction of Act XX. of 1841, by which the Court have been guided in their practice, and as some difference of opinion in regard to it would seem to prevail, the Court extract below the substantial part of the paragraph in question. The terms of section 1, have "been understood "to require that all heirs should take out certificates before they could "legally proceed in Court; and the consequence was that numerous "claimants were nonsuited, and numerous applications were filed for "certificates. But I see nothing in the section quoted, which warrants "this interpretation. It seems to me, on the contrary, to mean, that all "heirs may sue in Court as usual; and that if a dispute on the fact of "heirship arise, the party claiming, as heir, shall produce a certificate: "although *even then* the Judge may dispense with the certificate if, "under the law, he shall see fit so to do. There is nothing new in this, "though the phraseology of the Act prepares us for a novelty; it has "always been the practice of the Courts to require parties to prove "heirship, in disputed cases, and no more is required now."

The Court still adhere to their own view in regard to the incompetency of Moonsiffs to hear cases under section 30, Regulation II. of 1819,

30. The Courts of Sudder Dewanny Adawlut concurrently ruled by their Circular Order, No. 67, dated 8th October, 1844, that, though claims to the *proprietary right in* and *possession of* land held exempt from the payment of revenue were legally cognizable by Moonsiffs under the terms of section 8, Act VI. of 1843, provided the restrictions as to local jurisdiction and value of property, mentioned in clauses 1, 2 and 3, section 5, Regulation V. of 1831, were not transgressed, yet claims

* Vide my letter, No. 534, dated 15th April, 1847.
Your reply, No. 2002, dated 17th May, 1847.

preferred to the *revenue of lakhiraj* land under section 30, Regulation II. of 1819, remained unaffected by Act VI. of 1843, and were, as before, beyond the competency of a Moonsiff to determine. The Judge contends in paragraph 26, with reference to this point, that the law, however suitable while the country was filled with *maaffee* holdings uncertain in number and extent, is now practically obsolete in the North Western Provinces, where every case of the kind has been already investigated, and he expresses his conviction that a "reconsideration of the "subject will conduct the Court to a conclusion different from that at "which they arrived on 8th October, 1844." With every respect for the Judge's opinion, the Court still maintain, that the grounds on which that "conclusion" was based, as detailed in the subjoined note recorded by the Register of the Calcutta Court, are untouched by his arguments, and admit of no departure from the rule established by the Circular to which objection is made. "A Circular was yesterday "ordered to be issued which, while it recognized the competency of the "Moonsiffs under section 7, Act VI. of 1843, to receive and try suits "under section 30, Regulation II. 1819, directed the Judges not to "refer such suits to the Sudder Ameens, to whom the power of trying "them had not, apparently by an omission, been as yet extended.

and subjoin a note, explanatory of the law, as it touches this point.

"2nd. At the same time, an addition was proposed to be made to "the draft of Act forwarded by the Western Court with their letter No. "818 of the 29th ultimo, with the view of empowering the Judges to refer "such suits to the Sudder Ameens.

"3rd. I beg to submit the following remarks for the consideration of "the Court, before either of these measures be adopted.

"4th. On reference to clause 2, section 15, and clause 1, section "18, Regulation V. 1831, it will be seen that the terms of those enact-"ments are very general, and might have been considered as authoriz-"ing the reference to the Principal Sudder Ameens and Sudder Ameens "of suits of any description whatever, with the exception of those "specified in the clauses themselves.

"5th. The printed Circular No. 95 of Vol. II., however, distinctly "declares that suits under section 30, Regulation II. 1819, are not, for "reasons therein stated, referrible to the Principal Sudder Ameens and "Sudder Ameens. Moonsiffs are also mentioned in this Circular; but "though a wrong practice might have occasioned the necessity for men-"tioning them, the allusion to them was scarcely necessary *in a legal "point of view*, as, under clause 3, section 5, Regulation V. 1831, they "were clearly incompetent to try questions connected with claims to "hold lands as *lakhiraj*. This Circular is dated 30th August, 1833, or "nearly two years after the date of Regulation V. 1831.

"6th. The legislature has in effect admitted the correctness of the "Circular's construction of the law by the enactment of section 3, Act "XXV. 1837, by which suits under section 30, Regulation II. 1819, are "made referrible to the Principal Sudder Ameens, clearly implying that "they were not so referrible before.

"7th. As no similar provision has been enacted with reference to "the Courts of the Sudder Ameens, it is evident that suits under the "provision cited cannot be referred to them.

"8th. The question, as it affects the Courts of the Moonsiffs, remains "to be considered.

"9th. Taking the rules of clause 1, section 18, clause 2, section 15, "clauses 1, 2 and 3, section 5, Regulation V. 1831, and of section 8, Act

"VI. 1843, together, I submit that under those enactments considered "alone and independent of any others bearing upon the subject of the "jurisdiction of the uncovenanted Judges, the powers of the three classes "of Judges, in regard to the description of cases they are empowered "to try, are precisely the same. The rules of Regulation V. 1831 in "regard to the Courts of the Principal Sudder Ameen and Sudder Ameen "were general. In regard to Moonsiffs they prescribed certain excep- "tions. The exceptions have been superseded by section 8, Act VI. 1843, "and hence the three classes of Courts are, in this respect, placed on the "same footing.

"10th. If then the reasoning of the Circular of the 30th August, "1833, be correct, and if it required a special law to authorize the refer- "ence to the Principal Sudder Ameen of suits under section 30, Regulation "II. 1819, I would further submit, that a special law alone can sanction "the reference of these cases to the Moonsiffs, and that the rule of sec- "tion 8, Act VI. 1843 is insufficient for that purpose.

"11th. The reasoning of the Circular is based upon the special pro- "visions of section 30, Regulation II. of 1819: It declares that no other "power than the Judge (now also the Principal Sudder Ameen by spe- "cial enactment) can refer a case to the Collector. No such power of "reference being given to the Moonsiff, it follows that he cannot receive "and try a case of this nature.

"12th. With advertence to the foregoing observations,* I request the "permission of the Court to issue a Circular, as below, to the Zillah "Judges, and to suggest a reference on the subject of this note to the "Western Courts. The recommendation to the Government, for any "legislative provision on the subject, may for the present be postponed."

With reference to 27th paragraph of Judge's report, and to certain decisions of this Court, the Court desire to declare that the auction purchaser of rights and interests at an auction sale, cannot recover the purchase money from decree-holder.

31. A point of very great importance is touched upon in the 27th paragraph of the Judge's letter, and a judicial precedent of this Court is cited in support of the doctrine, that in no case whatever is the auction purchaser of rights and interests at a sale in execution of decree entitled to recover the purchase money from the decree-holder, to whom it may have been paid. A late printed decision† of this Court maintains the same doctrine, and the two judgments, taken together, go to the extent of declaring, that, even when the party, whose interests may have been sold, is pronounced by a judicial order to possess no interest whatever in the property, the auction purchaser has no claim to recover the amount of his purchase money from the decree-holder; and this on the principle of English law, which throws the responsibility on the purchaser in the term *caveat emptor*, and which recognizes the rule that has guided these decisions, viz. that if the intending purchaser is not satisfied with the title possessed by the party whose rights he is about to purchase, he is at liberty to abstain from the speculation altogether. The Court, being satisfied that the practice of the lower Courts in respect to claims of this description has not been and is not uniform, are anxious to put an end to this diversity by an authoritative declaration of the principle which should guide their judgment; but they are compelled, before taking this

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* Dated 20th ultimo, No. 14.

† *Vide* No. 1, for January, 1847 of Decisions S. D. A., N. W. P., page 16.
Ramsuhae, decree-holder, (Defendant), Appellant,

versus

Mohummud Omur and others, auction purchasers (Plaintiffs) Respondents.

step, to deliberate, with reference to a decision* of the Sudder Dewanny Adawlut in Calcutta, which recognizes a doctrine, diametrically opposed to that which has been judicially held by this Court to be correct; nevertheless, the question is of too great importance and of too frequent recurrence to be relinquished, and the Court hope, either in one way or the other, to secure consistent practice.

but are deferred by a decision of Calcutta Court of Sudder Dewanny Adawlut, which recognizes an opposite doctrine.

32. The Judge, induced to revive the subject of Act V. of 1840 by the observations contained in the 48th paragraph of the Court's Report for 1845, on its operation, has recorded the results of his experience in the 31st—34th paras. of his letter, which follow: "In the 30th and in the "48th paragraphs of their Report on the Civil administration of 1845, the "Court have revived the discussion, which arose on the promulgation of "Act V. of 1840, and which has been allowed to die away. For some "years after my appointment to the judicial office, I annually availed my- "self of the opportunity afforded me at the time of submitting the gene- "ral report, to remonstrate against this pernicious enactment; but when "I saw year after year pass by without the indication of any intention on "the part of Government to amend the law, and found that my weak "voice was faintly supported by the Sudder, I desisted from complaining "of an evil which no one thought it worth while to remove, and I "remained reluctantly silent. It is therefore with great satisfaction and "with some hope, that I observe the notice which the Court have once "more bestowed upon the subject, albeit the adverse opinion of Mr. Tier- "ney, the Judge of Allygurh, has been simultaneously brought before the "public. What data can be adduced in Allygurh in support of Mr. "Tierney's opinion, that the formula now in use is more efficient in eli- "citing truth than oaths taken on the Koran, or on the Ganges water; "it must be difficult for any Judge to conceive; still more difficult for "one who observed some of the most lamentable effects of the law in "this very district. If the Court will turn to my report on the Civil "administration of Allygurh for 1841 (a report little worth the perusal, but "which they were pleased to term "full and interesting" though I had "not had the advantage of passing a single day of that year in the dis- "trict) if, I say, the Court will turn to that report, they will find an "account of a scene which occurred in the Sessions Court—a scene which "can be fitly characterized only by the word *ludicrous*,—a scene which, had "the present Judge then presided, would have gone far to shake his "opinion in favor of Act V. of 1840.

The Judge's opinion, as to the operation of Act V. of 1840, subjoined.

"On that occasion an old woman was examined without any oath, "because she could not be brought to repeat the form of words prescribed "by the law, and the garrulous comments which she made upon every "attempt to explain what was required of her, disturbed the gravity of "every one present. Such scenes are of daily occurrence. Persons "equally impracticable with the old woman of Allygurh may not be met "with every day; but not a trial takes place in any Sessions Court, in "the course of which the unfitness of the legal substitute for an oath is "not brought glaringly to the notice of the presiding officer.

"Let us refer to facts; these are easily dealt with, and are the only "data upon which we can safely reason. The majority of the peasants, "who have not been previously familiarized with the Indo-British attes- "tation, mistake the word 'ikrar' for 'tukrar' or some other similar "sound, and pursue the sentence thus: 'In the name of Almighty God, "tukrar kurta hon,' instead of '*ikrar* kurta hon;' and no power will "prevent them from adding to the promise of speaking truly the incre- "dible and supererogatory assurance, that they are 'incapable of telling a

* *Vide* printed Decisions, according to Act XII. of 1843, page 216 for June, 1846.

"lie.' Nor does the difficulty end here. As soon as the illiterate wit-"ness, for to these only do I allude, has accomplished the repetition of "the words after the Nazir, he looks round to see what comes next, "what fresh novelty is about to present itself, and it is not until he has "been distinctly informed of the fact by the Nazir, that he becomes aware "that he has taken an oath. 'That's an oath,' adds the Nazir, to pre-"vent mistakes, as soon as the formula has been concluded, and the wit-"ness, admitting the fact, proceeds to give his deposition. These are "things which pass before me every day; there are many other occur-"rences of a similar kind; and I would fain know how such scenes are "calculated to *impress on the native mind a proper sense of the Majesty "of the Deity.*

"It were well if the evil stopped here—well, if after going through "buffooneries, which it is difficult to describe in official language, the "witness felt himself as much bound to speak the truth as if he had been "sworn on the Koran, or the Ganges water. It would be equally hard "to prove the affirmative or the negative of this proposition: we must "rely upon the experience of many persons during many years; and "amongst the several grounds, upon which opinion may be ultimately "formed, I will mention one circumstance which has frequently occur-"red to me, and which has ever struck me as a strong argument against "Regulation V. of 1840. Witnesses asseverating facts, or maintaining "their own veracity, have very frequently exclaimed, 'if you were to put "the Ganges water into my hands, I should say the same thing.' Does "this require comment? does it not *prove* that we have abandoned that "which bound the conscience *more,* and adopted that which binds it "less? Would that any arguments of mine could draw the attention of "Government to this most important subject, and induce them to retrace "their steps ere the natives of the country have lost all respect for *any* "form of oath whatever! It would be far better to avail ourselves of "their superstitions for good purposes *at present,* and when moral edu-"cation *has* impressed on the native mind a proper sense of the Majesty "of the Deity, it will then be ample time to venture upon the introduc-"tion of such pious and dangerous innovations." The Court have so frequently expressed a corresponding opinion, that they need only add their concurrence in all that is advanced in the foregoing extract, and their conviction, that the testimony of the Principal Sudder Ameens and other native judicial officers, if they be consulted in accordance with the suggestion thrown out by the Government in your letter No. 960, dated 26th February last, will tend to establish the inefficacy of the declaration, now in use, to bind the conscience and secure truthful evidence. The Circular Order,* which the Court propose to issue, inviting the opinions of the native Principal Sudder Ameens on this subject, is still with the Government, (19th May.)†

The Court concur in the above,

and expect to receive a like opinion from Principal Sudder Ameens.

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* *Vide* my letter No. 368, dated 16th March, 1847.

† NOTE.—Since these remarks were written, the orders of Government have been received and the Circular Order has been issued.

ZILLAH BAREILLY.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr.	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	2039	7523	522	10084	504	4230	705	1945	2700	8	372733
1846, ...	2700	7295	1356	11351	1310	4914 *	1054	1266	2807	18	441219
Increase, ...	661	0	834	1267	806	684	349	0	107	10	68486
Decrease,....	0	228	0	0	0	0	0	679	0	0	0

* Of which *Ex parte*, .. 1154
Confession of judgment, 1234
— 2388
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 184 *Days.*
Session & Criminal Sittings, .. 0 „
‡ 7 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
† Judge, Messrs.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
H. H. Thomas and J. Lean, Orgls.,	0	0	1	1	1	0	0	0	0	0	0	0	0	0	*0	0	0	0	0
Appls.,	179	537	2	718	329	136	3	15	235	7	79166	0	0	8	2	6	0	0	5·19
PSA. Mr. J. P. Ledlie, .. Orgls.,	40	81	15	136	0	70	12	4	50	4	148211	29	52						
Appls.,	205	0	331	536	1	269	54	1	211	6	20918	0	0	‡36	23	16	2	1	8·78
SA. Khan Buhadoor Khan, Bareilly, ...	151	235	32	418	13	222	34	27	122	0									
SA. Gholam Gouse Khan, Pillibheet, ...	143	468	8	619	0	324	91	97	107	0	81361	121	582	95	29	37	7	1	11·94
Moonsiffs.																			
Amanut Hoosein, Bareilly,	517	716	11	1244	274	516	110	167	177	0				77	15	62	7	0	9·7
Mohd. Hoosein, Suburbs,	248	692	189	1129	55	589	67	116	302	0				48	7	38	10	11	6·21
MolveeUbdoollah, Budaon,	372	1111	6	1489	256	755	154	217	107	0				80	10	24	10	1	7·1
Mohd. Wuzeer Ooddeen, Oojhanee, ...	270	395	313	978	175	459	59	132	163	0				28	6	16	5	2	4·37
Pdt. Hurnath, Beesulpore,	229	491	130	850	31	331	281	121	86	0				38	16	38	7	7	5·18
Moulvee Abdoollah & Momin Alee, Shajehanpore,	346	821	5	1172	169	468	77	222	236	0	111563	971	4999	64	22	51	12	1	8·34
Mohd. Rehmutoollah, Suheswan, ...	0	544	42	586	1	284	23	13	265	0				40	1	0	0	0	12·5
Serajoodden, Islamnuggur,	0	443	0	443	4	217	20	26	176	0				32	0	0	0	0	12·16
Nizamooddeen, Pawaine, ..	0	263	19	282	0	77	12	35	158	1				4	0	0	0	0	3·22
MohdAbdoolJuleel, Tilhur,	0	286	179	465	0	130	47	53	235	0				4	0	0	0	0	1·73
Mohd. Keramutoollah Suleympore, ...	0	212	73	285	1	67	10	30	177	0				0	0	0	0	0	0
Total, ..	2700	7295	1356	11351	1310	4914	1054	1266	2807	18	441219	1121	5633	554	131	288	60	14	7·65

31·26 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headgs. nos 1 to 21	111	254	28	393	18	253	26	0	96	1
„ Ditto „ 22 to 25	28	4269	0	4297	0	4238	0	0	59	0
P. S. A. Do. nos 1 to 21	83	232	1	316	0	212	33	0	71	1
„ Ditto „ 22 to 25	0	1186	0	1186	0	1181	0	0	5	0
2 Sudder Ameens, ..	168	719	11	898	0	454	208	0	236	0
11 Moonsiffs, ...	1269	4631	447	6347	430	2694	2119	0	1104	0
Total,..	1659	11291	487	13437	448	9032	2386	0	1571	2

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Bareilly, ..	2280	0	0	2326	10	0
Moonsiff Suburbs, ..	2208	9	2	2999	12	0
Moonsiff Beesulpore,	1735	0	0	2341	14	0
Moonsiff Shajehanpore,	2137	2	4	4060	2	0
Moonsiff Budaon, ..	1658	9	2	3868	0	0
Moonsiff Oojhanee, ..	1680	0	0	1458	4	0
Moonsiff Islamnuggur,	980	0	0	1141	6	0
Moonsiff Suheswan, ..	980	0	0	1613	14	0
Moonsiff Pawaine, ..	560	0	0	1320	10	0
Moonsiff Tilhur, ..	560	0	0	1282	4	0
Moonsiff Suleympore,	560	0	0	778	8	0
Total, ..	15339	4	8	23386	14	0

Transfer of Moonsiffees from Mooradabad, creation of new Moonsiffees, and other internal changes of jurisdiction render a comparative analysis of the statements needless.

33. Since the submission of the Court's last Report, the jurisdiction of the Bareilly Judgeship and the business devolving upon the officer presiding there, have been increased by the transfer of the Islamnugger and Saheswan Moonsiffees from Mooradabad, and the creation of three new tribunals of the same description at Powayne and Tilhur in Shahjehanpoor, and at Saleympoor in the Budaon district. These arrangements were carried into effect on the 1st June as regards the two first Courts, and in September as regards the three latter; so that any comparison of the returns for the past year with those for 1845 must lead to somewhat fallacious conclusions, and this, owing not only to the circumstances just mentioned, but to internal changes of jurisdiction, the consequent receipt and transfer of pending suits to and from the several tribunals, the delay contingent on the necessary issue of notices to parties, and the completion of other subsidiary arrangements. The course of official labor has thus been interrupted, not without inconvenience, it is to be presumed, to suitors, but without any material injury either to them or to the administration, and it is not likely again to be disturbed by the same causes. The jurisdictions of the lower Courts have been judiciously arranged, after careful enquiry and consideration, and it is expected, that the Civil business will in future be equally distributed and promptly dispatched. But, while the Court admit that the subordinate judicial establishment has been thus placed on a judicious footing, and proper steps taken for its efficient working, they would invite the attention of Government, to the large number of appeals that were pending at the end of the year in the Courts of the Judge and Principal Sudder Ameen, and to the expediency, (if it be not a necessity) of the services of a second Judge being rendered permanently available, and at the same time more efficient, than they can be under the present arrangement, by the assignment of a sufficient allowance for a ministerial establishment; the Court, in referring to the correspondence* which has passed on this subject, would be glad to know whether the proposal has been rejected, or abandoned, or whether there is still a hope of its being, though at a distant period, carried into execution. It should be added, with reference to the arrear noticed, that the Judge's bench was unoccupied during the last three months of the year, and that all the regular cases, of longer standing than a twelve month, had, nevertheless, been all disposed of before the end of April last.

Though internal jurisdictions have been well arranged, the Court still consider the permanent appointment of another Judge in this jurisdiction requisite,

and refer to past correspondence on the subject.

34. One remarkable feature in the result of the past year's operations is the large proportion of miscellaneous cases, struck off on default in the Moonsiffs' Courts, and the 3rd paragraph of Mr. Thomas' report is subjoined, as containing some pertinent remarks on the subject.

A large proportion of miscellaneous cases have been struck off in Moonsiffs' Courts, in regard to which Judge's remarks are subjoined:

"3rd. The Courts have collectively disposed of a good deal of miscella-
"neous business, and the pending number of cases is not such as to call
"for animadversion. But the vast proportion, which comes under the
"head of 'struck off on default' and which falls little short of half of
"the business performed by the Moonsiffs, does require some comment.
"I beg to refer you to the 12th paragraph of my last year's report, in
"which this subject has been noticed in regard to the Moonsiffs of Bu-
"daon and Oojhanee, then prominently conspicuous. This year, how-
"ever, I find no less than 6 Moonsiffs (the 2nd Moonsiff of Budaon
"having been transferred from Oojhanee) following the like fashion of

* My letter, No. 361, dated 3rd March, 1846.
Your reply, No. 1398, dated 2nd April.
My letter, No. 567, dated 14th April.
Your reply, No. 1843, dated 5th May.
My letter, No. 1744, dated 1st December.

"clearing their files; and below* I give the result of their per-
"formances. On a former occasion I could not ascertain that the
"Moonsiffs had been irregular in their proceedings, neither have I
"reason to believe that such is the case now: but this sweeping des-
"patch in executing or rather getting rid of decrees of Court has an air
"of very sharp and questionable practice, and it would be satisfactory to
"discover, by comparison with the miscellaneous statements of other
"large districts, whether it be peculiar to the Moonsiffs of Bareilly. But,
"even supposing this to be the case, these functionaries could not, there-
"fore, be charged with a harsh application of the rule; for it still may be,
"that litigant parties, having arranged matters among themselves, neg-
"lected to pursue them further through the Courts, and tacitly suffered
"their cases to be struck off the file. Nevertheless, it is remarkable that
"the 'default' in question should prevail to such an extent in the Courts
"of the Moonsiffs, and in some more than in others, whilst in the Courts
"of the Principal Sudder Ameen and two Sudder Ameens the number of
"decrees disposed of, 'by an order passed on the merits' should greatly
"predominate." The result noticed is certainly "not peculiar" to the district of Bareilly: it will be found equally observable, or nearly so, in Seharunpoor, Meeruth, Agra, and Bundelkhund, and may therefore be supposed to proceed from the system in operation, rather than from irregular or questionable practice on the part of the Moonsiffs of Bareilly: the subject, however, has been well nigh exhausted in former Reports, and the Courts have nothing to add to what has been, in one shape or another, already recorded.

the result is not peculiar to Bareilly, and proceeds from the nature of the system,

which has been before discussed.

35. In reference to the proportion of appeals instituted, to decisions passed, and to the issue of such as went to trial, the Court think it sufficient to remark, that a large proportion were heard by the Principal Sudder Ameen, and that the reversals of the Moonsiff's decisions, both in his Court and the Judge's, averaged 25 per cent. The similarity of results is satisfactory.

The issue of appeals has been much the same in Judge's and Principal Sudder Ameen's Courts.

36. The 19th paragraph of the Judge's report, which contains "a few last words" on the subject of the remuneration of the Moonsiffs, and their amlah is subjoined. "Though I do not intend to swell this report "with much additional matter, yet I may be pardoned for recording a few "last words, particularly with regard to that laborious and ill-paid class "of functionaries, the Moonsiffs. If the Government be not prepared "to raise their salaries, at all events they should furnish them with the "means of entertaining a better set of amlah, than they can at present "afford to pay. What sort of a serishtadar can be procured on 8 rupees, "or a mohurrir on 5 rupees, a month? yet such are the wages of men "expected to read and write good vernacular in the Persian character! "It stands to reason, not only that such amlah must too generally per-"plex and hinder the Moonsiffs by their blundering ignorance, but "that they will avail themselves of their situation, to make amends "for their poor pittances with such pickings and perquisites as tact "or opportunity shall enable them to secure. The Moonsiffs more-"over appear entitled to the consideration of Government in another "respect; they should be provided with suitable buildings for holding their "Courts and keeping their records. They cannot afford to pay for such "buildings, even supposing they could procure them, which they fre-"quently cannot. But the Moonsiffs are now forced to pay rent for the "poor accommodation they can obtain for themselves and amlah, which

The Judge's remarks on the remuneration of Moonsiffs and their amlah subjoined.

* By an order on merits,.... 1178.
Struck off on default, ... 2069.

"is in general ill adapted for the purpose. Now to make them respon-
"sible for the selection of a building, which is often attended with the
"greatest difficulty, and to make them pay for it to boot, does not appear
"to me just. I do not forget that, some time past, the Government
"offered to purchase buildings occupied by Moonsiffs, at 75 rupees each,
"or something to that effect; but such buildings are not to be purchased
"for 75 rupees, and I suspect the said offer has been generally neglected.
"I know not whether Tehseeldars are required to find their own Kutch-
"erries; but they could well afford to pay for them with their hand-
"some salaries. I believe the Tehseeldars generally take possession of
"dismantled forts and other massive structures of past ages, for which
"I presume they do not pay rent. Happy the Moonsiff, who may find
"such an edifice ready to his hand, for he may there get free quarters
"and abundant room for himself and followers; nor would he be niggard
"of a small outlay to render them habitable! Numerous remains of old
"buildings are to be found in various parts of the country, which may
"be converted into Courts for the Moonsiffs, or the materials of which
"may be turned to good account in their construction. I had nearly
"forgotten one officer attached to the Moonsiff's Court, who certainly
"may be pronounced fortunate: that officer is the Nazir, whose monthly
"share of Tullubana sometimes amounts to more than 80 rupees; whilst
"the poor serishtadar, without hopes of any favorable fluctuations in his
"allowances, must endeavor to make both ends meet with his untoward
"8 rupees." This subject too has been exhausted, and calls for no fur-
ther remarks from the Court.

Correspondence on the subject of the payment of Tullubana by persons wishing to sue *in formâ pauperis*, is printed in Appendix.

37. A correspondence,* which passed on a reference from the Principal Sudder Ameen of this district, as to the propriety or otherwise of requiring a person, desirous of suing *in formâ pauperis*, to pay the Tullubana of the peon deputed to serve notice on the adverse party under the provisions of clause 6, section 5, Regulation XXVIII. of 1814, is printed in the Appendix (B) as containing the Court's opinion on a point, which must frequently arise and may be differently understood in other districts, as in that of Bareilly.

* From Judge with English enclosure, No. 28, dated 14th May, 1846.
My reply, No. 876, dated 8th June, 1846.

ZILLAH AGRA.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	545	2755	31	3331	15	1839	244	597	636	3	114166
1846, ...	699	2754	178	3631	132	1916 *	244	589	750	2	124685
Increase, ..	154	0	147	300	117	77	0	0	114	0	10519
Decrease, ..	0	1	0	0	0	0	0	8	0	1	0

* Of which *Ex parte*, .. 323
Confession of judgment, 614
— 937
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 129 *days*.
Session and Criminal Sittings, 102 ,,
‡ 1 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge Mr. J. S. Boldero, ..	Orgls 0	0	49	49	49	0	0	0	0	0	0	0	0	1	0	1	0	0	0
	Appls 34	164	29	227	38	160	0	4	25	0	33580	0	0	3	3	0	0	0	1·82
PSA. Mlvee Kurreemoola Khan,	Orgls 18	154	15	187	1	123	11	27	25	1	35536	31	123	‡43	9	24	0	2	23·23
	Appls 0	0	37	37	0	9	0	0	28	0	6912	0	0						
S. A. Moulvee Kureem Kooli, Muttra, ...	170	237	2	409	0	196	15	114	0	0	6959	5	25	54	10	35	0	0	10·62
Ukber Ali Khan, ditto, *Moonsiffs.*	0	249	3	252	2	106	0	77	151	0									
Mr. J. P Lyons, Agra,	246	736	3	985	4	439	63	176	303	1				38	10	32	0	1	5·6
Sd. Ahmd. Khan Futepoor	56	43	0	99	0	19	4	1	0	0				1	2	1	0	0	4·16
Mirza Mohd. Ali Beg ditto,	0	264	0	264	2	196	51	60	27	0				7	0	5	0	1	2·09
Syed Abas Ali, Bah, ..	39	0	0	39	0	0	0	0	0	0									
Sheodial, offg. ditto, ..	0	62	0	62	0	49	0	12	0	0	41698	279	2127	17	4	18	0	0	6·99
Syed Abas Ali, ditto, ..	0	170	0	170	1	152	7	23	27	0									
Evez Ali Khan Etmadpoor	73	474	5	552	29	347	70	55	60	0				16	1	15	0	0	3·38
Shubeeooddeen, Julaiser,	34	95	34	163	0	76	15	15	57	0				11	2	3	0	0	10·37
Golam Mohiooddeen Maat	29	106	1	136	15	44	5	25	47	0				2	0	0	0	0	2·7
Total, ..	699	2754	178	3631	132	1916	224	589	750	2	124685	315	2275	198	41	34	0	4	7·25

23·42 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs nos 1 to 21	22	209	108	339	109	146	21	0	63	0
,, Ditto ,, 22 to 25	0	2579	0	2579	0	2579	0	0	0	0
1 P.S.A. ditto nos 1 to 21	51	277	34	362	0	192	143	0	27	0
,, Ditto ,, 22 to 25	0	724	0	724	0	724	0	0	0	0
1 Sudder Ameen, ..	188	966	0	1154	7	746	264	0	127	0
6 Moonsiffs, ...	401	3708	0	4109	69	2944	732	0	364	0
Total, ..	662	8463	142	9267	185	7331	1160	0	591	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Agra, ..	228	0	0	2429	0	0
Do. Futchpoor, ..	168	0	0	1361	0	0
Do. Bah, ...	168	0	0	1225	6	0
Do. Etmadpoor, ..	168	0	0	2162	8	0
Do. Julaisur, ...	316	2	1	463	0	0
Do. Maat, ...	316	2	1	495	0	0
Total, ..	7952	4	2	8135	14	0

The increase of regular business is rather apparent, than real, arising from addition of 2 Moonsiffees to Agra jurisdiction.

38. The increase in the income of regular business, represented in the table No. 1, is rather apparent than real, being attributable to the extension of the Agra jurisdiction. The arrangement of the Moonsiffs' divisions, which formed the subject of the correspondence noted below,* was carried into effect on the re-opening of the Civil Courts after the Dussehrah vacation, and its principal feature was the transfer of the Ryah and Julaisur Moonsiffees from the jurisdiction of the Allygurh to that of the Agra Court. All the suits, awaiting decision in those Moonsiffees at the time of transfer, which originated within the limits of their revised jurisdictions, were retained on their files, and the inclusion of these in the general returns of the Agra district is the cause of the fictitious increase referred to. A longer period of time must elapse before any opinion can be formed as to the effect of the new arrangements in equalizing the distribution of judicial business among the several officers engaged; but the present state of the files affords reason to apprehend, that the Moonsiff of the city may be overwhelmed with work (should the income of suits in his Court continue the same as heretofore) while the others have hardly sufficient to give them full employment. This subject should have the Judge's consideration during the current year, and be specially reported on, if requisite.

Arrears of old date were small,

39. At the close of 1846 there were but two cases instituted prior to its commencement, and these had both been remanded within the last two months, the one by order of the Sudder Dewanny Adawlut, the other by the Judge: so far as the Court are able to judge from the figured returns before them, no unnecessary delay takes place in the transaction of business, whether regular or miscellaneous, in this district, and, notwithstanding the changes of incumbency which occurred in some of the Courts, no arrear of any consequence has been suffered to accumulate. The miscellaneous work comprises the complete or partial execution of 1043 decrees, and nearly an equal number of applications for enforcement thereof were struck off without any part of the order being carried into effect.

and the business, both regular and miscellaneous, seems to be promptly disposed of.

Moonsiff of Bah has been removed to another jurisdiction for reasons stated.

40. Without detailing the changes of incumbency above incidentally referred to, it may not be out of place to mention, that, with reference to collisions, which had previously taken place between Syud Abass Alee, the Moonsiff of Bah Pinahut and the Magistrate of Agra, as well as to the charges of bribery and corruption (vide para. 54 last report) which had been preferred against him, the Court judged it prudent, on opportunity offering, to remove the functionary in question to Moorada-bad, where his conduct will be carefully observed and his real character ascertained.

Court see no special ground for entertaining Judge's application for increase of establishment.

41. The Judge of Agra has been informed, with reference to the 26th paragraph of his report in which he applies for an increase to his establishment, that there is no ground for a special application to Government on the subject, as the establishments both of the English and the Native office are found to be of equal strength, and to entail equal expense with those, sanctioned by Government in the neighboring districts of Allygurh and Mynpooree. The adjustment of the records is declared, with a trifling exception, to have been completed.

No other subject requiring notice.

42. The Court are not aware, that there is any other incident, connected with the administration of Civil justice in the Agra district during the past year, which calls for special remark.

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* My letter, No. 921, dated 20th June, 1846.
Your reply, No. 2843, dated 11th July.
My letter, No. 1221, dated 13th August.
Your reply, No. 373, dated 1st September.

ZILLAH FURRUCKABAD.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	4 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	554	4258	302	5114	333	2592	301	1014	874	0	90674
1846, ...	874	3402	234	4510	249	2660 *	366	698	537	1	114731
Increase, ..	320	0	0	0	0	68	65	0	0	1	24057
Decrease...	0	856	68	604	84	0	0	316	337	0	0

* Of which *Ex parte*, .. 452
Confession of judgment, 896
1348
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

+ Civil Sittings, 134 *days*.
Session and Criminal Sittings, .. 111 „
‡ 5 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
	1	2	3	4	5	6	7	8	9	10	11	12 Relating to real property.	13 Relating to bonds, contracts, wages, &c.	14 Appeals instituted.	15 Reversed or modified.	16 Confirmed.	17 Dismissed.	18 Withdrawn.	19
+ Judge Mr. W. H. Tyler, .. Orgls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
+ Judge Mr. W. H. Tyler, .. Appls	72	258	2	332	50	225	7	6	41	0	18578	0	0	2	2	0	0	0	·84
PSA. Mr. J. Mercer, .. Orgls	65	138	87	290	2	189	12	27	60	0	68659	34	104	‡66	41	45	1	5	20·56
PSA. Mr. J. Mercer, .. Appls	43	1	50	94	0	85	5	3	1	0	32	0	0						
S. A., .. None,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																			
Mohd. Ukber Ally Khan and Mohd. Hussun, 1st Furruckadad, ...	125	594	45	764	38	440	67	153	66	0				52	36	28	6	2	7·87
Sheikh Momin Ally, Raj Koomar and Hyder Ally Khan, 2nd ditto, ..	149	687	9	845	125	425	71	138	91	0				67	25	36	1	1	10·65
Hyder Ally Khan and Raj Koomar, Doondwara, ..	56	436	3	495	1	325	49	33	87	0	27462	423	2582	14	2	15	0	1	3·43
KasimAliKhan, Kaemgunj,	81	400	3	484	8	305	47	77	47	0				16	3	10	2	0	3·72
SheikElahebux, Chibramow	148	480	10	638	23	337	63	159	56	0				17	17	16	0	0	3·22
Gunput Roy, Kunouj, ..	135	408	25	568	2	329	45	107	85	1				33	13	28	2	0	6·86
Total, ..	874	3402	234	4510	249	2660	366	698	537	1	114731	457	2686	267	139	178	12	9	7·16

43·84 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, heads. nos 1 to 21	30	349	6	385	123	205	33	0	24	0
Ditto „ 22 to 25	69	6922	0	6991	0	6938	0	0	53	0
1 P.S.A. ditto „ 1 to 21	118	458	97	673	0	411	175	0	87	0
„ Ditto „ 22 to 25	2	984	0	986	0	966	0	0	20	0
Sudder Ameen, ..	0	0	0	0	0	0	0	0	0	0
6 Moonsiffs, .. (None),	477	5298	61	5836	55	4469	850	0	462	0
Total, ..	696	14011	164	14871	178	12989	1058	0	646	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amnt. reald. by sale of stamps.		
1 Moon. Furuckabad,	1823	5	2	2077	10	0
2 Ditto ditto,	1678	4	4	2641	4	0
Ditto Doondwara,	1675	1	7½	1606	8	0
Ditto Kaemgunj,	1680	0	0	1713	2	0
Ditto Chibramow,	1469	6	0	1519	6	0
Ditto Kunouj, ..	1680	0	0	1609	10	0
Total, ..	10006	1	1½	11167	8	0

The decrease of business is traceable to Circular Order, dated 28th February, 1846,

43. The falling off in the number of suits, instituted during the past year in the several Courts of this district, is as remarkable as the sudden increase which took place in 1845; for the latter the Court, in the 57th paragraph of their Report, expressed their inability to account, but the former is clearly traceable in part to the operation of the Court's Circular Order, No. 272, dated 23rd January, 1846, which has been more than once referred to in these pages, as having checked fictitious and dishonest litigation by a stringent construction of the law, which provides for the reimbursement of the plaintiff in the amount of stamp duty, levied on the plaint, in cases amicably adjusted at a certain stage of the proceedings, while the number of decisions passed on the merits was, notwithstanding the falling off in the income of suits, larger in the past than in the preceding year; the number of those adjusted or withdrawn was smaller by 316 in the former than it was in the latter, and the amount of this reduction may, the Court think, be regarded as just equivalent to the amount of dishonest litigation that has been excluded from the Courts by the instructions mentioned.

as shewn by an increase in the No. of decisions on merits, and a reduction in that of adjustments.

In Furruckabad only is Regulation VI. of 1832, applied to the trial of Civil suits and appeals.

44. This seems to be the only district, in which the provisions of Regulation VI. of 1832 are applied, except in a decree almost nominal, to the trial of Civil suits and appeals: 107 cases are reported to have been brought to decision in concert with the agency which that regulation permits, and a favorable opinion of their ability to judge, and their disposition to judge rightly and impartially, may perhaps be denied from the fact of the Judge having differed from them in 6 of those cases only.

Activity in executing decrees is not followed by much success in the settlement of claims.

45. There is no want of *activity* in carrying out decrees to execution in this district, but, judging from the results which are exhibited below,* there is a great want of success in enforcing the settlement of adjudicated claims, whether this be owing to heedlessness on the part of decree-holders, or to undue precipitation on the part of the Court.

Neither statements nor Judge's remarks require further notice.

Moonsiffs' jurisdictions have been settled.

46. The Court are not aware, that the foregoing tables require further illustration, or that Mr. Tyler's report touches on any general subject, the discussion of which in this place might be useful or interesting: they will only therefore add, with reference to paragraph 61 of the report for 1845, that the readjustment of subordinate jurisdictions has been completed, as stated in the letters noted below,† and that no other incident of a nature calling for special notice occurred during the period under review.

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* Completely executed, ...	574	
Partially executed, ...	1085	
		1659
Struck off on default, ..	981	
		2640

† My letter, No. 803, dated 25th May, 1846, with enclosures.
Your reply, No. 2472, dated 12th June, 1846.

ZILLAH MYNPOOREE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	425	2493	193	3111	171	1618	210	625	487	4	99432
1846, ...	487	2662	242	3391	229	1824 *	274	513	551	4	80353
Increase, ...	62	169	49	280	58	206	64	0	64	0	0
Decrease, ...	0	0	0	0	0	0	0	112	0	0	19079

* Of which *Ex parte*, .. 249
Confession of judgment, 819
—1068
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 51 *days.*
Sessions & Criminal Sittings 135 ,,

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of suits.*		*Result of Appeals.*					
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	Average of appeals instituted to suits decided.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge, Mr. C. F. Thompson, .. Orgls	0	52	34	86	86	0	0	0	0	0	0	21	31	1	1	0	0	0	0
Appls	33	203	1	237	110	65	7	1	54	4	18891	0	0	0	0	0	0	0	0
P S A. Mohd. Fuzul Uzeem Khan, .. Orgls	23	27	52	102	0	55	2	10	35	0	35677	11	10	18	1	18	2	0	10·9
Appls	16	0	110	126	0	90	7	1	28	0	2156	0	0						
S. A., ... (None,)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																			
Lala Soondar Lal, Mynpory,	49	455	23	527	2	318	23	98	86	0				41	5	22	2	1	9·33
Enaet Hoosein, Shekoabad,	66	449	1	516	8	387	11	48	62	0				30	6	13	0	1	8·07
Lala Juggernath, Sahawur,	76	465	2	543	12	288	41	126	76	0	23629	367	2013	17	3	5	2	0	3·73
Pundit Ruttun Lal, Etawah,	100	470	16	586	0	297	86	98	105	0				55	20	33	4	0	11·43
Mohud. Uleem Ooddeen, Phuppoond, ...	124	541	3	668	11	324	97	131	105	0				37	4	25	4	0	6·7
Total, ..	487	2662	242	3391	229	1824	274	513	551	4	80353	399	2060	205	40	116	14	2	7·85

25·64 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos. 1 to 21	26	163	15	204	48	102	15	0	39	0
,, Ditto ,, 22 to 25	3	1670	59	1732	3	1660	1	0	68	20
1 P. S. A. ditto nos. 1 to 21	42	197	41	280	0	159	80	0	41	0
,, Ditto ,, 22 to 25	57	1267	3	1327	58	1266	1	0	2	0
Sudder Ameen .. None,	0	0	0	0	0	0	0	0	0	0
5 Moonsiffs, ...	256	1772	36	2064	14	1167	646	0	237	0
Total, ...	384	5069	154	5607	123	4354	743	0	387	20

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff of Mynpory,	1654	3	1	1612	6	0
Do. of Shekoabad,	1680	0	0	1465	4	0
Do. of Sahawur,..	1680	0	0	1228	0	0
Do. of Etawah, ..	1680	0	0	1697	4	0
Do. of Phuppoond,	1680	0	0	1788	4	0
Total, ..	8374	3	1	7791	2	0

Report has been submitted by Mr. Unwin, who merely recapitulates contents of statements,

47. The statements from this district have been submitted with a brief report by Mr. Unwin, who was appointed to officiate as Judge on the compulsory departure of the incumbent in the office, and who, owing probably to his having personally taken no part in the conduct of the administration during the past year, has confined himself to a simple recapitulation of the details, which the statements in question represent as clearly, and more compendiously. Few, or no remarks are required to elucidate the foregoing tables; Civil sittings were held by the Judge on 51 days only, owing to his absence on leave, to his frequent illness, and to his constant occupation in the duties of the Sessions Court, to which no less than 135 days would seem to have been devoted; nevertheless, with the very small income of appeals on the one hand, and the assistance of the Principal Sudder Ameen, on the other, in disposing of them, the files of the Judge's Court were in a healthy state at the end of the year under notice. Of the regular appeals, which had been at that time pending more than a twelvemonth in his Court, two were decided early in the current year, while of the miscellaneous cases it may be sufficient to state, that they related to intestate property, and awaited expiry of the period allowed by law for the appearance of claimants.

which shew, nevertheless, satisfactory results.

Decrees executed.

48. 893 decrees were executed in all the Courts, 465 fully, and 328 by partial settlement of the adjudged claim, while 619 applications were struck off on default of decree-holders.

The arrangements regarding Moonsiffs' jurisdictions took effect on 1st November.

49. As reported for the information of Government in my letter, No. 1527, dated 30th September, 1846, the jurisdictions of the Moonsiffs' Courts were adjusted, and the revised arrangement took effect from the 1st November. Each division comprises one or more entire Tehseeldarees, and there seems every reason to expect that increased facility in the transaction of business, as well as a fair and equal distribution of labor will be the result of the measures which have been introduced.

No need of further remark.

50. No correspondence passed during 1846, which it would be useful to recapitulate, nor is there any other incident to which any allusion seems to be requisite.

ZILLAH CAWNPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ..	480	2478	220	3178	149	1797	225	382	625	13	248671
1846, ..	625	2317	354	3296	279	1842 *	258	353	564	6	214295
Increase, ..	145	0	134	118	130	45	33	0	0	0	0
Decrease, ..	0	161	0	0	0	0	0	29	61	7	34376

* Of which *Ex parte*, .. 264
Confession of judgment, 512
776
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, .. 147 *days.*
Sessions & Criminal Sittings, .. 99 ,,
‡ 11 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge, Mr. A. Speirs { Orgls	0	0	1	1	0	0	0	1	0	0	258	0	1	0	0	0	0	0	0
Appls	72	410	7	489	165	194	10	7	113	0	54846	0	0	2	1	1	0	0	·94
P. S. A. Khadim Hussein Khan, .. { Orgls	44	54	13	111	0	66	6	5	34	1	98344	19	35	‡59	28	21	0	2	22·26
Appls	52	0	168	220	0	171	15	2	32	3	5370	0	0						
S.A. Pdt. Saligram, Cawnpore *Moonsiffs.*	63	124	29	216	0	118	27	16	55	1	31771	51	73	70	22	25	1	1	43·47
Mohd. Motuqqu, Cawnpore, .	75	430	5	510	11	292	25	108	74	0				68	22	40	7	1	16·
Ubdool Hafiz Allee Khan, Colonelgunj, ...	32	250	17	299	11	190	17	31	50	1				54	27	22	2	2	22·68
Itrut Hoosein, Gujneer, ..	143	383	7	483	45	278	38	62	60	0	23706	357	1372	60	27	31	4	2	15·87
Mohd. Shookeroollah, Derapoor, ...	43	306	86	435	5	253	75	43	59	0				47	9	35	5	1	12·66
Qalub Ali Sha, Sheorajpore,..	101	410	21	532	42	280	45	78	87	0				73	39	28	6	0	18·11
Total, ..	625	2317	354	3296	279	1842	258	353	564	6	214295	427	1481	433	175	203	25	9	17·65

46·24 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, heads nos. .. 1 to 21	79	712	4	795	50	621	49	0	75	1
Ditto ,, 22 to 25	300	7344	1	7645	54	7346	88	0	157	12
1 PSA. ditto ,, 1 to 21	94	329	36	459	0	309	63	0	87	3
Ditto ,, 22 to 25	13	899	2	914	1	842	62	0	9	0
1 Sudder Ameen, ...	165	666	6	837	0	475	207	0	155	1
5 Moonsiffs, ...	431	2928	25	3376	14	2260	713	0	389	0
Total, ..	1082	12870	74	14026	119	11853	1182	0	872	17

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Cawnpore,	2280	0	0	1656	8	0
Do. Colonelgunj,	1680	0	0	1110	8	0
Do. Gujneer, ..	1680	0	0	1515	6	0
Do. Derapore, ..	1680	0	0	1509	8	0
Do. Sheorajpore,	1680	0	0	1675	2	0
Total, ..	9000	0	0	7467	0	0

The files were in good order at the end of the year,

51. The arrear, of longer standing than a twelvemonth, though numerically large, is really of little importance, when its character is considered. Of the 6 regular suits in this category, 5 had been remanded on dates comparatively recent, and of the miscellaneous cases the majority had reference to the property of persons dying intestate, and awaited the expiry of the period of the proclamation, required by law to be issued for the appearance of claimants. The state of the files calls for no other remark; nor do the tabular entries need to be elucidated further than by stating, that in the miscellaneous work is comprised the execution, either full or partial, of 1207 decrees, in the proportion of 831 to the former, and 376 to the latter. The strength of the agency at work and its individual members were both the same as in former years; and the Judge's opinion of their qualifications likewise appears to be unaltered.

and strength of agency employed was the same;

Proportion of appeals instituted, as well as decisions reversed, large, notwithstanding little litigation about real property.

The Court need only remark on this head, that the proportion of appeals instituted, as well as that of decisions reversed, is larger than in most other districts, although three-fourths of the suits before the Courts had reference to debts on bond, banker's accounts, and other matters, exclusively of a personal, and generally of a very simple character.

Account of adjustment of records will be found in 11th and 12th paras. of Mr. Speirs' letter:

52. I am desired, with advertence to the 76th and 77th paragraphs of the Court's last Report, to refer to the 11th and 12th paragraphs of Mr. Speirs' letter for a succinct account of the progress made in adjusting the records of this Judgeship, and to add, that the Court have determined to reconsider the several questions regarding the tenure of land in Cantonments, and the nature of the jurisdiction possessed by the Civil Courts within those limits—questions, which were touched upon by Mr. Speirs in his report for 1845 and a subsequent address, and which seem to increase in importance, as time advances, and rights become more numerous and complicated. The law in respect of all such matters is very indefinite and defective, and the Civil Courts are in consequence brought into undignified collision with the military authorities, or so embarrassed in their proceedings, as frequently to lead to a denial of justice. The Court will hereafter address Government separately on this subject.

the Court propose to reconsider questions, which have been revived by Mr. Speirs, as to the tenure of land in Cantonments, and the jurisdiction of Courts within the limits thereof.

Judge's remarks as to the currency of Act IV. of 1840 in Cantonments, and fraudulent alienation of real property with a view to avoid execution of eventual judgments, subjoined.

53. In the supplementary letter from Mr. Speirs, in which these questions are revived, two other points are mooted, and the following extracts will serve to shew the nature of them: "The officer in charge of "the Sudder Bazar assumes and has long exercised a certain power "regarding disputes concerning dispossession of real property or remo- "val of nuisances within Cantonments. Has that officer any legal power "to do so? or, if a Joint Magistrate, should he proceed under Regulation "IV. of 1840 or XXI. of 1841 in cases which fall under the provisions "of those laws; and regarding land, if an officer gives an order simply "as officer in charge of the Sudder Bazar, the order may be contested "in the Civil Court; if as Joint Magistrate, I presume cases, decided un- "der Regulation XXI. of 1841, are not open to review in the Civil Court.

"3rd. There is another subject which I shall mention. I mean "the law regarding attachments made under Regulation II. of 1806, "including those under section 7, Regulation VII. of 1825. If a party "whose property it is proposed to attach chose to do so, he has "it within his power to evade the law; for he can legally alienate his "property till the time when the process of attachment has been issued, "(Construction 588) and no attachment can issue till the Judge is satisfied "of the necessity of calling for security and the defendant has failed to "furnish it within a reasonable time (Construction 190). It appears "to me that the Court should, on application made, have power without "delay to prohibit all transfers at least of real property, till it was set- "tled whether the application should be complied with or rejected;

"if the former, it would hold good till security was given. At present, "when the application is made shortly before long vacations, it is hardly "possible for the Courts to issue final orders, and in such cases defend- "ants, fraudulently inclined, have every opportunity afforded them to "dispose of their property and appropriate the funds.

"4th. Since the new rules regarding examination of vakeels, not a "single man in this district has received a sunnud, and under these "rules, I doubt if the supply of vakeels at the Moonsiffs' Courts can be "kept up." Mr. Speirs has been informed, in regard to the first point, that Act IV. of 1840 having been ruled by the Court to be inapplicable to disputes regarding possession, arising within the limits of Cantonments, Act XXI. of 1841 must, *a fortiori*, be considered inoperative within the same limits; and in respect of the subject, alluded to in the 3rd paragraph (above extracted) the Court have remarked, that the evil might truly, as suggested by Mr. Speirs, be stayed by conferring on the judicial authorities the power to prohibit all transfers of real property, until it were determined, whether the application for attachment, either under Regulation II. of 1806, or VII. of 1825, should be complied with or rejected; but this would require legislative sanction. The Court have further stated, that the law, as it stands, seems to provide a sufficient remedy in the privilege which it accords to any party, considering himself aggrieved by the supposed alienation, of bringing a regular suit to prove fraud or collusion. If the object of the supposed alienation be to evade execution of an eventual judgment, fraud or collusion cannot be absent; and if fraud be established, the transaction must, of necessity, according to every principle of justice, be declared invalid, even though it occurred prior to the issue of attachment, and that too, without any contravention of Construction No. 588, which merely declares it to be lawful for a defendant to alienate property at any time prior to attachment, but cannot make valid a transaction, which would under other circumstances be *ipso facto* invalid.

and opinion of Court on above points expressed.

54. The Court have expressed their reluctance to alter the rules, recently issued, for the examination of persons wishing to practise as pleaders, and have desired Mr. Speirs to report specially, if the difficulty anticipated (vide para. 4 of extract), should indeed arise.

Court are reluctant to alter rules for examination of vakeels.

ZILLAH FUTTEHPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ..	264	1458	61	1783	20	1075	113	233	342	2	72043
1846, ..	342	1166	57	1565	13	1020 *	93	189	250	4	45101
Increase,..	78	0	0	0	0	0	0	0	0	2	0
Decrease,..	0	292	4	218	7	55	20	44	92	0	26942

* Of which *Ex parte*, .. 124
Confession of judgment, 317
441
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings,... 185 *days.*
Session & Criminal Sittings,.. .. 39 ,,
‡ 1 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descriptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
		1	2	3	4	5	6	7	8	9	10	11	12 Relating to real property.	13 Relating to bonds, contracts, wages, &c.	14 Appeals instituted.	15 Reversed or modified.	16 Confirmed.	17 Dismissed.	18 Withdrawn.	19
† Judge, Messrs. H. Lushington and H. B. Harington,	Orgls.	0	0	7	7	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls.	30	179	3	212	0	167	5	4	36	2	5800	0	0	4	3	1	0	0	2·27
P.S.A. Syud Mohd. Yusuf Hussun Khan, ...	Orgls.	40	69	18	127	0	85	5	9	28	1	26362	40	29	‡35	16	20	0	1	35·35
	Appls.	0	0	0	0	0	0	0	0	0	0	0	0	0						
S. A. .. none,		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																				
Lala Nundlall, Futtehpore,		111	405	8	524	6	325	15	72	106	0				64	19	47	3	2	15·53
Mohd. Ussudoollah, offg. & Syud Al Hussun, ..	Jehanabad	71	221	6	298	0	188	24	60	26	0	12939	320	598	23	4	11	1	0	8·45
Emadool Hussun, Hutgaon, ..		90	292	15	397	0	255	44	44	54	1				61	30	21	1	1	17·78
Total, ..		342	1166	57	1565	13	1020	93	189	250	4	45101	360	627	187	72	100	5	4	14·36

41·86 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos 1 to 21	7	128	2	137	16	110	5	0	6	0
,, Ditto ,, 22 to 25	17	3773	0	3790	16	3683	0	0	91	0
1 P. S. A. ditto nos 1 to 21	75	234	16	325	0	183	90	0	52	0
,, Ditto ,, 22 to 25	14	628	16	658	0	648	3	0	7	0
Sudder Ameen, none,	0	0	0	0	0	0	0	0	0	0
3 Moonsiffs, ..	218	2120	1	2339	1	1858	330	0	150	0
Total, ..	331	6883	35	7249	33	6482	428	0	306	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Futtehpore,	2280	0	0	1477	12	0
Ditto Jehanabad, ..	1680	0	0	776	10	0
Ditto Hutgaon, ...	1680	0	0	1395	4	0
Total, ..	5640	0	0	3649	10	0

55. During the year 1845 a considerable increase took place in the income of Civil business, owing to the encouragement, designedly given by the late Moonsiff of Hutgaon, to the institution of regular suits for the recovery of land rents. This act was animadverted upon by the Court in the 79th paragraph of their last Report, as well as in orders addressed to the Judge of Futtehpoor under date the 25th March, 1846; and the result is exhibited in the above tables. The falling off, now apparent, in the number of suits instituted, corresponds very nearly in degree with the increase, which attracted notice on examination of the returns for 1845, and calls for no remark nor other explanation than that which is involved in the fact just stated.

The falling off in amount of business corresponds nearly with increase in 1845, the cause of which was noticed in 79th para. of Court's Report for that year.

56. With the exception of twelve cases, disposed of by Mr. Lushington, who held the office of Judge from the beginning of the year until the end of February, all the regular appeals were decided by Mr. Harington, who received charge on the 19th March. In the trial of 14 he availed himself of the agency allowed by Regulation VI. of 1832, and followed the opinion of the natives engaged in his decision of all, but one. With reference to the remarks contained in the 14th paragraph of this Report, the Court do not think it necessary to allude to the issue of these appeals, as indicative of good or bad judgment; but they observe with satisfaction, that the Principal Sudder Ameen, Yoosuf Hussun Khan, has maintained his character for integrity and respectability, and that Nund Lall, the Moonsiff of Futtehpoor, conducts his duties creditably, and is considered by Mr. Harington deserving of promotion. Some "serious charges," which were pending against the Moonsiff of Hutgaon, Emadool Hussun, at the date of Mr. Harington's report, have been investigated, and declared by the present Judge, Mr. Armstrong, to be without foundation.

Mr. Harington was in charge for the greater part of the year: made use of Regulation VI. of 1832 in the trial of a few cases.

The Court do not notice result of appeals, for reasons before given,

but are glad to find the native Judges, generally, well spoken of.

57. The Court, in noticing Mr. Harington's report, have acknowledged the existence of the evil alluded to in the following extract (paragraph 6th); but they have remarked that the only remedy consists in the modification of section 8, Regulation XXVI. of 1814, which expressly authorizes the practice objected to, and that they are not at present prepared to recommend that step. "In this place, I cannot refrain "from remarking on the delay in the disposal of appeals, occasioned by the "liberty, which the law allows to appellants, of filing their petitions of "appeal without the grounds of appeal; under the law, as it now stands, "the appellants must file their petition of appeal within a month from "the date of the receipt of a copy of the lower Court's decision, while a "further period of six weeks is allowed them for finding out, and filing "the grounds of their dissatisfaction with that decision, during which "time, the Court, having nothing before it beyond the bare petition of "appeal, can hold no proceedings in the case. To so great an extent "is the practice followed in the district of Futtehpoor, that it has become "the rule instead of the exception, as it ought to be."

The only remedy for the evil noticed in the subjoined extract from Judge's report consists in a modification of the law (cited).

58. The Government have been informed by my letter, No. 304, dated 15th March last, that the records of this Judgeship cannot be arranged, until the new Court House proposed to be built shall have been completed, or sufficient and appropriate accommodation otherwise provided.

Records cannot be arranged for want of accommodation.

59. During the past year no correspondence passed, the substance of which it would be either useful or interesting to recapitulate.

ZILLAH BUNDELKHUND.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr.	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	159	1558	88	1805	54	914	192	301	344	2	69480
1846, ...	344	1715	35	2094	4	1030 *	272	413	375	1	97918
Increase, ...	185	157	0	289	0	116	80	112	31	0	28438
Decrease,....	0	0	53	0	50	0	0	0	0	1	0

* Of which *Ex parte*, .. 276
Confession of judgment, 240
516
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 124 *Days*.
Session & Criminal Sittings, .. 108 ,,
‡ 1 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge Mr. S. G. Smith. .. Orgls	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appls	31	171	0	202	0	116	5	2	79	0	15056	0	0	2	1	1	0	0	1·62
P. S. A. Moulvee Gholam Mohd. Orgls	22	77	14	113	1	67	14	12	19	1	63167	29	48	‡39	12	27	2	1	41·05
Appls	2	0	0	2	0	1	1	0	0	0	0	0	0						
S. A. .. (none),..	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																			
Luchmun Pershad, Banda,	57	504	7	568	1	311	62	102	92	0				47	13	26	1	0	9·89
Mashook Ali, Tiroha, ..	52	271	9	332	0	211	27	55	39	0				38	9	10	3	0	12·96
Sree Kishun and YasheenShah, Jelalpore,	180	692	4	876	1	324	163	242	146	0	19695	292	1175	48	12	9	0	0	6·58
Total, ..	344	1715	35	2094	4	1030	272	413	375	1	97918	321	1223	174	47	73	6	1	10·14

39·16 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headgs. nos 1 to 21	14	191	1	206	82	60	9	0	55	0
,, Ditto ,, 22 to 25	72	2279	5	2356	6	2277	3	0	70	3
1 P. S. A. Do. nos 1 to 21	52	307	82	441	1	211	134	0	95	0
,, Ditto ,, 22 to 25	3	701	6	710	5	696	0	0	9	0
S. A. .. .. (none),..	0	0	0	0	0	0	0	0	0	0
3 Moonsiffs, ...	252	1308	0	1560	0	834	473	0	253	1
Total, ..	393	4786	94	5273	94	4078	619	0	482	4

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Banda, ..	2280	0	0	1949	2	0
Moonsiff Tiroha, ..	1680	0	0	1221	8	0
Moonsiff Jelalpore, ..	1684	5	9	3399	0	0
Total, ..	5644	5	9	6569	10	0

60. The work in this district, though a little heavier during the past year, than in that which preceded it, is still so very light, that no difficulty is felt in disposing of it with all the expedition that could be desired. The Judge's files, both regular and miscellaneous, exhibit a larger arrear than that which awaited decision at the beginning of the year under notice, and this might possibly have been avoided. But the Court are not disposed to find fault with a result, which has been productive of injury to none, and which is traceable to the Judge's occupation for 108 days in Sessions and Criminal duties, and in examining the record of cases decided by the newly appointed Moonsiff of Jelalpoor, whose proceedings seemed to the Court to call for close supervision. The circumstance, which drew the Court's attention to this officer's mode of conducting business, was the singularly (in this district) large proportion of cases, both regular and miscellaneous, which were month after month represented in the periodical reports to have been "struck off" on default. The Judge, on inspecting the records of these cases, at first detected many illegal orders and irregular practices, which he forthwith took measures to correct, but the same peculiarity, nevertheless, continued to be observable, and is sufficiently apparent in the columns of table No. 2, and the details, from which table No. 3 is compiled, and which shew, that to 55 applications for execution of decree disposed of on the merits in the Jelalpoor Moonsiffee, 195 were struck off on the alleged default of the decree-holder! The Judge has engaged to keep a watch over the Moonsiff's proceedings, and will of course report any circumstance, that may be thought to call for the Court's interference.

Work in this district is so light as to be easily disposed of with punctuality:

and though the arrear at the end of 1846 was larger than at the beginning, the heavy Sessions duties, and Judge's occupation in examining proceedings of Jelalpoor Moonsiff account for it.

Court's attention was attracted by the large proportion of cases regular and miscellaneous struck off,

which was found in the first instance to arise from illegal practices of Moonsiff.

61. The records are reported to be in good order, with an exception, which the fixed establishment will, the Judge expects, be able to remove in a short time. No other subject seems to require remark.

Records are in good order.

ZILLAH ALLAHABAD.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	520	2737	115	3372	74	2206	181	406	505	1	179440
1846, ...	505	2789	47	3341	23	2373 *	155	410	380	1	188451
Increase, ..	0	52	0	0	0	167	0	4	0	0	9011
Decrease,..	15	0	68	31	51	0	26	0	125	0	0

* Of which *Ex parte*, .. 646
Confession of judgment, 499
——1145
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

†Civil Sittings, 157 *days.*
Session & Criminal Sittings, 77 ,,
‡ 7 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge, Mr. A. Lang, Orgls	1	5	0	6	5	1	0	0	0	0	0	5	0	1	0	1	0	0	100·
Appls	19	271	1	291	0	253	15	7	16	0	5774	0	0	5	4	1	0	0	1·81
P. S. A. Mlvee Ruzeeooddeen, Orgls	65	232	14	311	0	214	6	19	72	1	162959	98	134	‡68	35	35	0	0	28·33
Appls	0	1	0	1	0	1	0	0	0	0	0	0	0						
S. A. (none,) ..	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0·0
Moonsiffs.																			
Pygumber Bux *alias* Syud Abdoolla, Allahabad,	88	783	8	879	5	652	19	136	67	0				27	8	20	2	1	3·34
Syud Sullamut Ali, Kydgunj, ...	56	596	10	662	4	450	29	125	54	0	19718	615	1665	59	11	39	8	5	9·76
Kanjisahi, Munjunpore,	199	545	6	750	9	501	60	61	119	0				73	25	38	4	0	11·73
Heyth Lall, Phoolpoor,	77	356	8	441	0	301	6	62	52	0				53	18	32	1	1	13·61
Total, ..	505	2789	47	3341	23	2373	155	410	380	1	188451	718	1799	286	101	166	15	7	9·73

37·82 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs nos 1 to 21	18	339	0	357	25	313	6	0	13	0
,, Ditto ,, 22 to 25	136	5033	0	5169	0	5152	0	0	17	0
1 P.S.A. ditto nos 1 to 21	174	644	20	838	0	520	111	0	207	0
,, Ditto ,, 22 to 25	4	115	0	119	0	119	0	0	0	0
Sudder Ameen, (none)	0	0	0	0	0	0	0	0	0	0
4 Moonsiffs, ...	514	2965	0	3479	0	1852	1137	0	490	0
Total, ..	846	9096	20	9962	25	7956	1254	0	727	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Allahabad,	2280	0	0	2974	8	0
Ditto Kydgunj, ..	1680	0	0	1821	0	0
Ditto Munjunpore,	2280	0	0	2561	0	0
Ditto Phoolpoor, ..	1680	0	0	1662	4	0
Total, ..	7920	0	0	9018	12	0

62. The following extract (paragraph 11) from Mr. Lang's report for the past year, will shew the favorable opinion which he entertains of the character, conduct and qualifications of the native Judges, and will serve to satisfy the Government that the judicial business of the several Courts has been conducted properly, and, to the best of his judgment, with integrity, carefulness and dispatch. The Court may appeal to the results exhibited in the above tables, as evidence in support of Mr. Lang's conclusions, and may add that, in reviewing the periodical reports of work during the past year, they have had no occasion to find fault with the proceedings of the judicial officers. "From what I have said "above, the Court will have observed that I am well satisfied with the "manner in which my subordinates generally have discharged their du- "ties, and that I have particularly borne testimony to the good character, "which they one and all bear in the district. It may very probably be "considered that I am disposed to take too favorable a view of the native "character, and I am well aware that many would laugh at the very idea "of all the native Judges in a district doing their work honestly. Of course "I am liable to be deceived as others, but in this instance I think "I am not, and that I have not said more in favor of the native Judges "than they deserve; were they or any of them corrupt, it could hardly "fail to be known, and being known, it could not, I think, be long before "I was informed of it. There have been very corrupt men in this dis- "trict since my appointment to it, and I was soon made acquainted "with their malpractices; two of them I was relieved of by death, one I "got dismissed from the service, and the other, being aware that his "character was known, managed to get removed elsewhere on a medi- "cal certificate. My own opinion, judging of course chiefly from what "I have observed in this district, but from what I have heard from others "also, is, that the character of the native Judges generally is much im- "proved; that they work much harder than they used to do, and ad- "minister justice, whereas they were formerly but too ready to give their "decisions in favor of those who paid the best. There must of course "be exceptions, and much will depend on the manner in which they are "looked after, for I am not inexperienced enough to believe that they "are actuated by the high principle we could wish to see; this is not to "be expected from Mohamedans and Hindoos. The *fear* of God may "help in some few instances to induce them to discharge their duties "honestly, but as regards the Principal Suddder Ameens, the greater "inducement to honesty is the handsome salaries they receive, the high "station in society they enjoy in virtue of their appointment, and the "knowledge, that regular legal proof of misconduct is not necessary for "their removal from office, whilst the Moonsiffs are checked by the "more careful surveillance to which they are now subjected and the "hope of promotion which they are aware is now obtained more with "reference to merit and more speedily than was formerly the case; and "I should therefore very much like to see the arrangement proposed "some years ago for effecting their more rapid promotion and the in- "crease of their allowances, carried out. The Court then urged that no "Moonsiff should receive less than 150 rupees per mensem, but I am "disposed to think, as there is difficulty on the ground of expense, that "it would be more desirable to provide for continued and rapid pro- "motion, than to increase the salaries of the Moonsiffs on their "first appointment: 100 rupees is I consider quite sufficient to satis- "fy a Moonsiff on his first obtaining his appointment, particularly "when he has to look forward to a speedy increase, but after 2 or 3

Para. 11 of Judge's report, which is subjoined expresses a good opinion of the native Judges who would seem, from the statements, to have done their work properly.

" years, he will begin to think he ought to have more, and what I should " like to see, therefore, would be an arrangement by which every Moon- " siff might look forward almost with certainty on his conducting him- " self properly to an increase of allowances every 3 or 4 years, for there " are many Judges, who work honestly for a time and afterwards " change their course on seeing no prospect of promotion, and to take " away every excuse from the Moonsiffs for malpractices, their establish- " ment allowance should also of course be doubled, as has been so fre- " quently urged. That the Moonsiffs now work more satisfactorily than " they did some years ago in this district is shewn from the fact, that " though in 1840 their decisions in contested suits only amounted to " 457, their orders were reversed in 95 cases, whilst in the past year " their decisions in contested suits amounted to 845 and only 62 of their " orders were interfered with. Again the total decisions of this district " in regular suits and appeals on trial in 1840 by 7 officers were 1643; " in the past year by 6 officers, 2373, whilst the statements exhibited at " the close of 1840, 1017 regular suits and appeals pending, and those of " the past year gave only 380. Further, there were no appeals, original " suits, or miscellaneous cases of longer standing than one year pending " before several Judges at the close of the past year, for the only long- " standing case remaining undecided was a remanded suit, which had " not reached the lower Court, when the year closed; whilst at the close " of 1840, there were in all 221; and whilst few suits were then decided, " in less time than six months from the date of their institution, very, " very few now remain pending so long as six months, even on the Prin- " cipal Sudder Ameen's file. The generality of suits are disposed of " within 2, 3 or 4 months from the date of institution." Sittings were held by Mr. Lang on the Civil side during 157 days, and his time was, so far as the regular department is concerned, almost exclusively devoted to the hearing of appeals, in 16 of which he called in the aid of the agency allowed by Regulation VI. of 1832, whose opinion was followed in the decision of all. The Judge still adheres to the sentiments which he has before expressed on the subject of this law, and accounts for its more limited use by stating, that fewer cases came before him, in which he deemed the assistance of a Punchayet to be necessary. The only original case, tried by him, was retained on his file, because the Moonsiff of the city, Abdoolah, was a party and the investigation which followed proved satisfactorily that it was "fraudulently brought against the Moonsiff, for the purpose of removing from his file, on the ground of the plaintiff being his creditor, other suits pending before him, in which the plaintiff was a party, and which, he feared, would be decided against him." The Judge's conclusion in this respect was subsequently confirmed by the result of a criminal prosecution against the plaintiff and witnesses for perjury and subornation of perjury, of which they were convicted by the Commissioner of the division. It is hoped that this circumstance may be useful as an example to others, and put a check in some measure to fraudulent litigation.

Mr. Lang, the Judge, tried only appeals, using Regulation VI. of 1832 in the decision of some,

and giving reasons for its more limited application in 1846.

One original case was retained by Judge on good grounds.

63. The Court have so frequently stated their views respecting the remuneration of the Moonsiffs and their establishments (touched upon in the above extract from Mr. Lang's report) that they think it needless to repeat them, hoping that the discussion, which has passed, may in the course of time produce the desired effect. The same may be said of the subject, alluded to in the 12th para. of the Judge's letter, which is here inserted, as giving, in the opinion of the Court, a correct account of the circumstances that lead to the large proportion of decisions passed

The Court need not again express opinion regarding remuneration of Moonsiffs, &c., nor on the subject, mentioned in subjoined extract (para. 12) from Judge's report.

ex parte, and on confession of judgment. "I shall only further remark on "the very large number of *ex parte* and confession of judgment deci- "sions in the lower Courts. The number is certainly very great, and so, "from the Court's annual Reports, it appears to be in almost every dis- "trict. The Court have been led to think at times that the Moonsiffs "themselves, to swell the number of their decisions, encourage the insti- "tution of suits, but I don't think there is any thing of the kind carried "on in this district. It is the same, year after year, though the Moonsiffs "are constantly changed, and the Court, in which the greatest number of "suits was decreed during the past year by consent, is that of Munjun- "poor, where the Moonsiff has more to do than he can well get through; "he has to work very hard to keep his file down. The large number of "*ex parte* decisions in the city and Kydgunge Moonsiffees is to be greatly "attributed to the very regular proceedings of the Moonsiffs of "those Courts, who allow no unnecessary delay in disposing of the suits "before them. If the defendants do not appear and answer to the "suits brought against them, they at once try the suit, and for this "they are to be praised and not blamed; and that the defendants "are generally fairly informed of the suits being instituted against "them is to be gathered from the fact that during the past year, "I had not above 2 or 3 appeals in all from *ex parte* decisions; but the "chief cause of so many *ex parte* and consent of judgment decrees, is, "I think, to be found in the native character; a disinclination to pay "their debts till they are actually forced to do so. They don't deny the "claims against them, but they won't pay, or in many instances cannot "pay without selling the house over their heads, which, of course, they "are unwilling to do; so the claimant has to go into Court to effect the "sale, and the exorbitant demands of the *mahajuns* for interest is ano- "ther reason no doubt. Many suits are brought into Court in conse- "quence of a dispute regarding the interest to be paid. The mahajun, "on a repayment being made, carries the whole amount to the inter- "est account; the debtor is unwilling to pay the enormous rate demanded "and often agreed for, though not stipulated for in the bond; the mahajun "then sues, and the suit is decided *ex parte*. I believe, in England, be- "fore the institution of a suit a simple notice is served on a debtor by "his creditor, to the effect, that, if the amount claimed is not paid within "a certain time, a suit will be instituted. The practice is, I think, a "very good one, and might with advantage be introduced. Here the "number of *ex parte* decisions and decrees by confession of judgment "would then be considerably decreased, no doubt."

Execution of decrees.

64. 1773 decrees were either completely or partially executed by the Moonsiffs and the Principal Sudder Ameen, to whom is delegated entirely the duty of giving effect to the Judge's decrees. There is every reason to be satisfied with the result of operations in this department. The records are reported to be in "excellent order."

ZILLAH GORUCKPOOR.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	1345	5155	919	7419	865	3861	387	675	1631	0	288427
1846, ...	1631	5286	931	7848	886	3938 *	513	550	1961	4	343350
Increase, ..	286	131	12	429	21	77	126	0	330	4	54923
Decrease...	0	0	0	0	0	0	0	125	0	0	0

* Of which *Ex parte*, .. 388
Confession of judgment, 1163
—— 1551
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 158 *days*.
Session and Criminal Sittings, .. 86 ,,
‡11 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge Mr. E. A. Reade, .. Orgls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appls	148	776	10	934	479	239	15	2	199	0	55036	0	0	7	5	2	0	0	2·73
PSA.Ahmud Hussun Khan, .. Orgls	6	48	146	200	34	103	42	4	17	0									
Appls	1	0	369	370	69	239	5	2	55	0	74724	33	33	‡54	16	25	0	1	9·85
Do.Mustafakhan& KareemQuliKhan, Orgls	8	18	33	59	29	18	0	1	11	0									
Appls	3	0	205	208	31	117	14	3	43	0	5756	0	0						
SA.AbdulUzeez, Goruck-*Moonsiffs.* [poor]	107	216	139	462	2	250	19	20	171	1	82544	113	103	101	29	41	3	2	34·94
MehndiHussun, Capt.Gunj.	157	543	4	704	2	464	31	45	162	1				84	24	39	8	0	15·55
Hubeeboollah, Bansee, ..	78	388	2	468	1	341	14	45	67	0				36	6	14	2	0	9·
MehndiAlikhanKhalilabad.	196	497	2	695	1	485	51	5	153	0				104	23	45	3	1	19·22
Rassoolbukshkhan, Bansgaon, Doorganarain and	212	757	7	976	8	383	74	91	420	0				97	24	59	0	0	17·7
Sheudial, Munsoorgunge,	135	378	3	516	33	260	[illegible]	82	88	0	125290	1636	2592	29	9	15	1	0	7·34
Reazut Husein, Perrownah,	232	464	3	699	51	215		83	178	2				74	26	29	9	0	15·74
Seerajooddeen, Deoreea, ..	236	526	6	768	66	328		96	235	0				109	30	59	5	3	23·34
Karimooddeen, Goruckpoor,	112	675	2	789	80	426	59	71	162	0				104	35	57	3	1	19·01
Total, ..	1631	5286	931	7848	886	3938	513	550	1961	4	343350	1782	2728	799	227	385	34	8	15·97

37·09 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos 1 to 21	54	576	0	630	15	551	30	0	34	0
Ditto ,, 22 to 25	15	3658	0	3673	0	3656	0	0	17	0
2 P.S.A. ditto ,, 1 to 21	31	278	117	426	114	156	100	0	56	1
,, Ditto ,, 22 to 25	1	235	10	246	10	232	0	0	4	0
1 Sudder Ameen, ..	115	631	0	746	0	446	179	0	121	0
8 Moonsiffs, ..	468	4659	0	5127	0	3098	1462	0	567	0
Total, ..	684	10037	127	10848	139	8139	1771	0	799	1

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amnt. reald. by sale of stamps.		
Moon. Capt. Gunge,	1680	0	0	1907	0	0
Ditto Bansee, ..	2260	5	6	2122	10	0
Ditto Khulelabad, ..	1680	0	0	2062	0	0
Ditto Bansgaon, ..	1652	8	0	3507	0	0
Ditto Munsurgunj,..	1432	14	4	1092	2	0
Ditto Perrownah, ..	1654	12	0	1617	8	0
Ditto Deoreea, ..	1680	0	0	2040	0	0
Ditto Goruckpore, ..	2280	0	0	2378	4	0
Total, ..	14320	7	10	16726	8	0

65. The Report, which Mr. E. A. Reade late Judge of this district has submitted, and which is forwarded in original herewith, is so full as to relieve the Court from the necessity of troubling Government with many remarks. It is clear from the preceding tables that the several officers employed have not been wanting in attention to the duties entrusted to them, that, on the contrary (so far as tabular statements may be depended on) they are entitled to credit for their exertions. The arrear on the general file was somewhat larger, it is true, at the close than at the beginning of the year under notice, but the number of suits for trial was larger by 429 than in 1845, while on the other hand the Courts were closed for an unusual length of time owing to part of two Mohurrum vacations falling within the Christian year 1846; it should moreover be remarked, that this arrear comprised but few cases of longer standing than a twelvemonth, and all of these few had been but recently remanded by the appellate Courts for re-investigation or re-trial. In the miscellaneous work, exhibited in table No. 3, are included the complete execution of 1388 decrees, and the partial enforcement of 205 : 1676 applications were struck off on default.

Report has been submitted by Mr. Reade, and is so full as to call for no remark;

arrear at end of 1846 was larger than at beginning, but reasons thereof explained.

66. It will be observed that though suits for interests in real property constitute a considerable portion of the regular Civil business brought before the Goruckpoor Courts, neither the proportion of appeals to decisions nor that of reversals to confirmations on trial is remarkably high.

Though suits about real property formed a large portion of the regular work, neither the proportion of appeals, nor that of reversals is high.

67. The 11th paragraph of Mr. Reade's Report, which relates to the subject of *ikbaldawa* decrees, is subjoined, as being explanatory of the views expressed by him on a former occasion. "The frequency "of these cases was the subject of paragraph 22 of my Report for the "year 1845. In 1845, the number was 1354. In 1846, it has been "reduced to 1167. I regret to find that some part of my observations "in the last year's Report has been misconstrued into a reflection upon "the revenue office, which has since led to enquiry and to an unmis-"takeable imputation, by way of retort, against the Civil Courts. "Neither of these views are correct. No shaft was thrown against "the Collectorate, and the Collector's defence and assail to boot "are both in error. It may be as well to go to the root of the "matter, although incidentally I believe, as far as my memory "serves me, I have explained the subject pretty fully in my Report "upon the operation of the law of registry of deeds 13th July, "1846, No. 120. With regard to cases of ikbaldawa upon bonds, I "have explained that they are mostly in the course of trade. In con-"nection with claims on account of conveyances, they are resorted to as "a security for money, advanced often as a mere loan, and the satisfac-"tion of the lender. If after the decree the seller acts in good faith, the "purchaser rarely takes out execution. But should the former interrupt "the latter, he gets a precept issued through the Moonsiff's Court to the "Collector, and it is certain that this method of recording a transaction "is deemed by the people more sure and binding than registry of deeds, "or any other mode. I have alluded to cases of collusion, and am satis-"fied that such cases exist, but I must remark that in the whole course "of my experience I never heard of, but one single case in which it was "represented that the party who filed the ikbaldawa was not the party "interested.

Judge's remarks regarding *ikbaldawa* decrees subjoined.

"In almost all the settlement engagements of the land holders of "the Goruckpoor district, a clause is inserted securing pre-emption to the "sharers, in the event of one of the brotherhood being desirous or com-"pelled to alienate, valuable and important as the recognition of this

" principle is, it is not without its abuse. In the Collector's office appli-
" cation for mutation of registry involves a reference to the conditions
" of the settlement engagements,* and it is quite sufficient for any one of
" the sharers, from spite or other interested motive, to prevent the muta-
" tion by filing an objection founded on the pre-emptional clause. This
" is quite sufficient to postpone, and often to prevent the object being
" accomplished for which a journey of many miles has been taken. It
" has been so repeatedly asserted by the people that by virtue of the
" clause of the settlement engagements, unscrupulous sharers call upon
" the lender of money, or the intending purchaser, or the seller, or both
" parties, as the case may be, for a *solacium*, and in default of receiving
" it put in their objection to the transfer in the sheer spirit of annoy-
" ance, that I believe the assertion to be a fact and with its impression
" on my mind my remarks on the subject were last year penned.

" Neither the Collector's office nor the Civil Courts are in any way
" accountable for that national vice of the landed communities which
" induces sharers to view the embarrassment of one of their number, only
" so far as it may be made the source of their individual profit. The
" Collector claims for his office that its practice is equitable, and charges
" the Civil Courts with injustice; a large portion of the public deem
" recourse to the latter safer, more expeditious, and attended with less
" risk of trouble and expence. In the one they consider that the pres-
" cribed rule of practice affords an opening for mischievous interfer-
" ence by objectors from interested motives, in the other that such vex-
" atious objection is checked by the simple reply, that the interests of
" the objector cannot be effected by a decision passed in a suit to which
" he is no party.

" The imputation of injustice against the Civil Courts is implied in
" the assertion, that in these 'ikbaldawa' cases the 'Courts systematically
" rough-ride the settlement agreement,' which secures the right of pre-
" emption, one which, it is argued, ought to be equally respected in the
" Courts of law, as well as the revenue office. The Collector's sugges-
" tions are given below.† His proposition is to revert to a practice which
" occasionally obtained in the Goruckpoor district of Moonsiffs acting
" on the provisions of clause 4, section 6, Regulation V. of 1831 in all
" cases involving claims to landed property, whether by virtue of suc-
" cession or transfers, which the Court's Circular Order, No. 223, 9th
" September, 1842, has strictly forbidden.

" I confess, I see no necessity for legislative interference, and little
" utility if the proposition was approved. The seller and purchaser, in
" the majority of cases synonymous with borrower and lender, would
" evade the pre-emptional clause by a fictitious excess upon the real
" consideration, agreed upon by the parties, being expressed in the deed.
" It would render pecuniary negotiations, necessarily frequent in a dis-
" trict where agricultural extension is the general object, more difficult
" to be managed; and more than sufficiently discountenance the anta-
" gonistic influence of external aid, which though in some few cases it

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* Circular Order S. B. R. III. page 208,209, *et passim.*

† " If the wajiboolurz be worth any thing it ought to be upheld in the Civil, as well as the
" Revenue Courts, and in suits opposed to its provisions the whole brotherhood should be includ-
" ed as defendants to give them an opportunity of pleading its provisions, the Board of Revenue
" in concert with the Sudder Dewanny might authorize Collectors to decline execution of precepts
" in subversion of the conditions of the wajiboolurz as they now do in private transfers,
" militating against it under sections 209 and 217 of the Board's Circular, No. III."

" may be aggravated to the oppression of a community, will generally " afford a wholesome check on the *bias* of many of that community to " depress one or more of its weaker members.

" I consider that these cases of ikbaldawa should be watched. It " is probable that the reduction of the number in the present year may " be the effect in some measure of attention having been called to them. " But while execution of decrees in sequel of these cases form the " exception, instead of the rule, as is undoubtedly the case, there is " little ground to apprehend the necessity of adjudicating them upon a " new and different principle." The Court do not desire to revive the discussion of a question, on which they have more than once expressed their opinion.

Judge advocates reduction of certain heavy charges referred to in para. 12 of his Report, subjoined,

68. In the 12th (subjoined) paragraph of his letter Mr. Reade refers to the heavy charges on certain descriptions of exhibits, to which suitors have become liable by reason of the circumstances therein stated, and he advocates their reduction. " I was requested in the course of " the year by some of the people to point out the increased expense " suitors have become liable to by circumstances under the provisions of " section 22, Regulation XXVI. 1814, and of clause 5, Schedule B, " Regulation X. 1829, in the Courts of the Sudder Ameens and the " superior Judges. The Board of Revenue have organized a system of " separate village accounts, and the Lithographic Presses have enabled " the native revenue officers, as a general rule, to award receipts for all " payments made, which it is undeniable were as rare formerly as they " are now common. Such exhibits are most valuable in litigations " regarding landed property, and with reference to them it is deferen- " tially submitted to the Court, that it would be more equitable if the " stamp impost was not laid upon each paper, but with reference to the " year indicated in each series. The excess of net stamp revenue over " the costs of the native establishment, Rs. 14,021, affords a sufficient " presumption that the state would lose little by this measure of relief." It seems to the Court that the hardship or inconvenience resulting from the exaction of the impost referred to, has not yet been practically developed in such measure as to give a reasonable hope of success, in an application to the legislature for their interference.

but the Court think that the interference of Legislature would be premature.

ZILLAH AZIMGURH.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pendg. beyond 1 yr	11 Value of original suits and appeals pending on 31st December.
1845, ..	1215	2604	941	4760	890	1846	341	227	1456	5	269082
1846, ..	1456	2444	1108	5008	1016	2228 *	447	106	1211	6	230916
Increase, ..	241	0	167	248	126	382	106	0	0	1	0
Decrease, ..	0	160	0	0	0	0	0	121	245	0	38166

* Of which *Ex parte*, .. 262
Confession of judgment, 281
— 543
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, .. 170 *days.*
Sessions & Criminal Sittings, .. 87 ,,
‡ 2 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge, Mr. H. Armstrong, ..	Orgls 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls 194	480	5	679	201	279	7	3	189	0	50458	0	0	9	8	1	0	0	3·11
P. S. A. Mahomud Luteef Khan, ..	Orgls 147	73	81	301	1	213	18	4	65	2	90613	52	21	‡99	39	54	1	0	27·65
	Appls 41	0	204	245	1	119	3	1	121	0	7875	0	0						
S.A. Kasim Ali Khan, Azimgur, *Moonsiffs.*	277	142	426	845	72	362	92	35	284	0	49754	86	56	136	40	64	1	1	27·81
Wazeer Allum, Azimgurh, ..	341	1049	70	1460	488	571	114	28	259	0				109	27	70	0	0	15·28
Dabee Dyal, Ghoseé, ..	456	700	25	1181	225	470	169	25	292	4	32216	893	856	109	31	74	6	3	16·41
Kaim Ali, Adl. Mohomedabad,	0	0	297	297	28	214	44	10	1	0				36	1	0	0	0	13·43
Total, ..	1456	2444	1108	5008	1016	2228	447	106	1211	6	230916	1031	933	498	146	263	8	4	17·9

35·69 per cent. reversals.

No. 3.—Miscellaneous.

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

	1	2	3	4	5	6	7	8	9	10
Judge, heads. nos.	1 to 21	25	476	0	501	13	410	6	0	72	0
Ditto ,,	22 to 25	28	4541	0	4569	1	4541	0	0	27	0
1 P.S.A. ditto ,,	1 to 21	87	430	16	533	0	333	61	0	139	0
Ditto ,,	22 to 25	5	620	1	626	0	622	0	0	4	0
1 Sudder Ameen, ..	..	103	830	0	933	4	766	52	0	111	2
3 Moonsiffs, ..	..	336	1659	0	1995	85	932	618	0	360	0
Total, ..		584	8556	17	9157	103	7604	737	0	713	2

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Azimgurh, ..	1680	0	0	3759	4	0
Do. Ghosee, ..	1680	0	0	2980	6	0
Adl. Do. Mohomedabad, ..	1120	0	0	0	0	0
Total, ..	4480	0	0	6739	10	0

An additional Moonsiff was entertained to assist in reducing the files,

69. As stated in the 113th paragraph of the Report for 1845, an additional Moonsiff was entertained in this district during the past year, with a view of relieving the Moonsiffs of Azimgurh and Ghosee from the unusual pressure of business, occasioned by an increase of 704 during 1845 in the number of regular suits instituted: he was appointed on the 3rd April, 1846, originally for 6 months, but illness, combined with other circumstances, rendered it impossible for him to perform within that period what had been required of him, and his services were accordingly retained until the end of the year, when he was discharged, the object contemplated in his appointment having been fulfilled. A comparison, however, of the above tables with those for other districts will shew, that the Civil business in Azimgurh, whether its income, or the nature of the litigation which prevails be considered, is heavier than in some others, where the judicial agency is numerically stronger, and the Court cannot but think, that, sooner or later, it will be requisite to make a substantive addition to the establishment; more than half of all the suits preferred during the past year, had reference to claims for proprietary right in land, or for recovery of real property; a fact, which must be borne in mind in examining, and drawing conclusions from, the table, which exhibits the proportion of appeals instituted, and their result.

and was discharged at end of year, the object in view having been accomplished,

but the the Court think that the number of the suits, instituted, may render a permanent addition to establishment necessary.

Regulation VI. of 1832 was almost inoperative and seems to be unpopular with the people.

70. Regulation VI. of 1832 was brought into operation by Mr. Armstrong in the trial of two cases only, one of which was disposed of in accordance with their opinion. Mr. Armstrong states that the people, generally, very seldom apply for the employment of the agency, which the law permits, and that in the few cases, in which natives have been associated with him, he has derived but little benefit from their assistance.

Remarks on the state of the files and the labors of the native Judges.

71. 1024 decrees were executed, 631 fully, 393 partially, in all the Courts, and neither in this nor in any other department of business does any thing present itself worthy of particular notice; the two, of older date than the year under report, awaited the completion of a partition by the revenue authorities. The Court are glad to find, that the uncovenanted Judges are favorably reported of by the officiating Judge, who expresses himself satisfied with their exertions, and commends their ability. The Principal Sudder Ameen, however, Mahomed Luteef is said "to allow cases to fall into arrear" by a want of care in the examination of the pleadings, and a want of proper attention in enforcing the orders passed by him, and to these defects is attributed the protraction of two cases, which had been pending on his file for more than a twelve month, when 1846 came to a close; these are both serious defects in a judicial officer and they are noticed in this place, that the Judge may admonish the Principal Sudder Ameen to correct them.

The Court's Circular Order of 23rd January, 1846, (before mentioned) is said to have repressed fictitous litigation, para. 10 of Judge's Report is subjoined.

72. It is satisfactory to the Court to learn from the subjoined extract (paragraph 10) from the officiating Judge's Report, that their Circular Order* dated 23rd January 1846, has had the effect of repressing fictitious or fraudulent suits, the institution of which was encouraged by the undefined state of the law regarding refund of the value of stamp paper, on which the plaint was engrossed, in adjusted suits. The same result is said to have taken place in other districts. "Since the issue "of the Court's Circular Order, No. 272 of the 23rd January, 1846, I have "carefully examined all cases which have been adjusted, with the view "of checking any contravention of the law, as ruled by that Circular, "and with one exception, I have found the judicial officers have fully "comprehended its purport and have properly acted upon it. From "the great falling off of adjusted cases, exhibited below† it would "seem that the public, as has been suggested, must have had formerly "recourse to the Courts with the object of procuring a private settlement of their affairs and differences, and frequently perhaps not for "an honest and open purpose. When such was the object of suitors, "their attempts to obtain by intimidation what they had no just right "to, will have been in a great measure frustrated by the late Circular, "explaining the purport of the law relating to adjusted cases."

* *Vide* Docket No. 294, dated idem.

† 227 cases, 1845.
106 cases 1846.

121 decrease.

ZILLAH JOUNPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred toother Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	738	2528	275	3541	233	1963	234	196	915	3	227944
1846, ...	915	2197	621	3733	564	2022 *	262	150	735	5	169518
Increase, ...	177	0	346	192	331	59	28	0	0	2	0
Decrease, ...	0	331	0	0	0	0	0	46	180	0	58426

* Of which *Ex parte*, .. 326
Confession of judgment, 197
— 523
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 149 *days.*
Sessions & Criminal Sittings, 68 ,,
‡ 4 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*										*Descrptn. of suits.*		*Result of Appeals.*						
											Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	Average of appeals instituted to suits decided.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge, Mr. R. J. Tayler, ...	Orgls 1	0	240	241	240	0	0	0	1	1	4999	0	0	0	0	0	0	0	0
	Appls 78	356	8	442	94	216	30	4	98	2	22215	0	0	7	5	2	0	0	2·8
P. S. A. Cazee Yar, Ulee Khan, ..	Orgls 58	113	218	389	5	266	42	12	64	2	113610	68	45	‡95	29	36	1	1	23·28
	Appls 22	0	96	118	4	85	3	0	26	0	1206	0	0						
S. A., ...	(None,) 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																			
Cazee Zeeah oollah, Jounpore,	200	380	24	604	78	319	68	27	112	0				71	10	43	2	3	17·14
Syud Banda Ulee, Jounpore,	145	590	8	743	66	492	31	32	122	0				75	31	38	2	0	13·51
Moulvee Fuzl oollah, Muchleeshehur, ...	217	381	12	610	53	308	33	47	169	0	27488	879	849	57	20	32	26	0	14·69
Moulvee Noorad Ulee, Mooftee Gunj, ...	194	377	15	586	24	336	55	28	143	0				68	16	49	2	0	16·22
Total, ..	915	2197	621	3733	564	2022	262	150	735	5	169518	947	894	373	111	200	33	4	15·32

35·69 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos. 1 to 21	69	228	0	297	34	146	27	0	90	0
,, Ditto ,, 22 to 25	102	4388	0	4490	14	4145	114	0	217	3
1 P. S. A. ditto nos. 1 to 21	61	473	19	553	0	337	157	0	59	0
,, Ditto ,, 22 to 25	3	294	12	309	0	302	0	0	7	0
Sudder Ameen, .. (None),	0	0	0	0	0	0	0	0	0	0
4 Moonsiffs, ...	320	2485	0	2805	0	1616	840	0	349	2
Total, ..	555	7868	31	8454	48	6546	1138	0	722	5

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
1 Moonsiff Jounpore,	2280	0	0	1252	10	0
2 Do. Jounpore,..	1680	0	0	1250	4	0
Do. Muchleeshehur,	1680	0	0	1902	0	0
Do. Mooftee Gunj,	1680	0	0	1186	12	0
Total, ..	7320	0	0	5591	10	0

73. Of the few cases, whether regular or miscellaneous, which had been on the several files for more than a year when 1846 came to a close, but one remained undisposed of at the date of the Judge's report—a fact, from which it may be inferred, that delay injurious to the interests of litigant parties is not permitted to occur in the disposal of business. The several officers engaged would seem to have exerted themselves successfully to discharge their respective duties with regularity and expedition, and all, more or less, receive commendation for their diligence from their immediate superior, the Judge.

No delay occurs in the disposal of business in this district.

74. The preceding tables suggest one remark, which is applicable to the three other districts comprised within the Benares *province*, as well as to this, and may perhaps be thought worthy of notice. In those parts of the country which have been more recently annexed to the British dominions, and have been for a comparatively short period subject to the British Government, the litigation consists chiefly of suits on bond, or those arising out of petty mercantile transactions, which are simple in their nature and admit of easy adjudication. In the Benares province, on the other hand, claims relating to land or other real property form a much larger proportion of the business brought before the Civil Courts, and in this district they compose more than half the entire number of cases instituted within the period under review. There can be no question that, owing either to the variety of landed tenures in this country, and the comparative ignorance which prevails in respect of them, or to the numerous and complicated interests usually involved, all claims, connected with real property, present questions of very great difficulty, calling for much knowledge and judgment and care also in their determination, inasmuch as the principle established by one decision on such claims may probably govern the adjudication of a whole class of cases. These considerations should, in justice, be borne in mind, in estimating the character and the services of the judicial officers attached to this and the other districts composing the province of Benares, the permanently settled portion of the Benares division.

The tables shew that in this, as in other districts of the Benares province, *suits for* real property are comparatively numerous,

and these, the Court think, are of more importance and greater difficulty than those which compose the bulk of litigation elsewhere.

This fact should be borne in mind.

75. Mr. R. J. Tayler administered the Judge's office throughout the year, with the exception of one month, and has submitted the statements with a report which calls for no comment. He confined himself, as shewn above, to the adjudication of appeals, and seems in no case to have acted on the provisions of Regulation VI. of 1832. The issue of appeals heard by the Court from his decisions is exhibited in the 15th and 16th columns of the table No. 2.

Mr. R. J. Tayler, the Judge, heard appeals only, without using Regulation VI. of 1832.

76. The miscellaneous work, represented in table No. 3, includes the complete execution of 482, and the partial settlement of 199 decreed claims.

Table No. 3, includes execution of decree cases.

ZILLAH MIRZAPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ..	377	1233	24	1634	3	983	178	58	412	0	238010
1846, ..	412	1254	33	1699	13	1090 *	146	105	345	1	206975
Increase, ..	35	21	9	65	10	107	0	47	0	1	0
Decrease...	0	0	0	0	0	0	32	0	67	0	31035

* Of which *Ex parte*, .. 118
Confession of judgment, 200
316
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings,.. 194 *days.*
Session & Criminal Sittings,.. .. 30 ,,
‡ 6 to S. D. A.

Names and Designations of officers.		*Number of regular suits [original and appeal] before the several Courts.*										*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
		1	2	3	4	5	6	7	8	9	10	11	Relating to real property. 12	Relating to bonds, contracts, wages, &c. 13	Appeals instituted. 14	Reversed or modified. 15	Confirmed. 16	Dismissed. 17	Withdrawn. 18	19
† Judge, Mr. A. P. Currie, ..	Orgls.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls.	18	130	0	148	0	131	0	0	17	0	10961	0	0	4	4	0	0	0	3·05
PSA. Mr. J. Campier,	Orgls.	72	138	7	217	0	114	11	25	67	1	179034	36	102	‡41	14	32	0	0	27·33
	Appls	0	0	0	0	0	0	0	0	0	0	0	0	0						
Sudder Ameen, .. (none), *Moonsiffs.*		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mr. S. McGowan, Mirzapore,		183	357	4	544	0	302	93	49	100	0				47	14	29	0	0	10·58
Mr. R. Garland, Chunar, ..		58	327	16	401	1	248	32	28	92	0	16980	305	681	26	4	19	0	0	8·44
Heeralall, Mirzapore, ..		81	302	6	389	12	295	10	3	69	0				22	3	22	0	0	7·14
Total, ..		412	1254	33	1699	13	1090	146	105	345	1	206975	341	783	140	39	102	0	0	10·43

27·65 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos. 1 to 21	46	270	0	316	39	226	27	0	24	0
,, Ditto ,, 22 to 25	31	1235	0	1266	6	1250	2	0	8	0
1 P. S. A. ditto nos. 1 to 21	162	521	36	719	0	478	74	0	167	0
,, Ditto ,, 22 to 25	23	854	6	883	0	855	1	0	27	0
Sudder Ameen, (none),	0	0	0	0	0	0	0	0	0	0
3 Moonsiffs, ..	236	1516	0	1752	0	939	620	0	193	1
Total, ..	498	4396	42	4936	45	3748	724	0	419	1

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Mirzapore,	2280	0	0	1732	0	0
Ditto Chunar, ..	1680	0	0	1364	12	0
2nd Ditto Mirzapore,	1680	0	0	1317	4	0
Total, ..	5640	0	0	4414	0	0

77. Owing to the sudden death, early in the current year, of Mr. A. P. Currie, who presided in the Judge's Court at Mirzapore throughout 1846, the Court have received no report on the administration, nor any remarks explanatory of the details represented in the tabular returns. The Court are satisfied with the results which they exhibit, as well in the miscellaneous, as in the regular department, and they have little to add in elucidation thereof. They observe that, as in the other districts of the Benares province, so in this a considerable proportion of the suits brought before the Courts have reference to rights in land or other real property, and that the usual result, viz. a larger proportion of appeals to decisions has occurred. All the appeals that went to trial were determined by the Judge, who was able to dispense with the Principal Sudder Ameen's aid in this department of work, and the issue is exhibited in the last columns of the second table.

The sudden death of the Judge has deprived the Court of his report, but the tables shew satisfactory results.

78. In the miscellaneous business is included, the complete execution of 434 decrees, and the partial enforcement of 163 others, while 257 cases of the same sort were struck off on default. There has been no want of activity in this department.

Execution of decrees.

79. The Court are not aware of any other circumstance that calls for notice, as connected with the administration of Civil justice in this district during the past year.

No further remarks called for.

NOTE.—Since the above remarks were written, a report has been received from Mr. Currie's successor; but it suggests no remark.

ZILLAH BENARES.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr.	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	677	2193	460	3330	390	1790	120	215	815	4	701150
1846, ...	815	2140	485	3440	414	1855 *	194	178	799	9	523211
Increase, ...	138	0	25	110	24	65	74	0	0	5	0
Decrease,....	0	53	0	0	0	0	0	37	16	0	167939

* Of which *Ex parte*, .. 263
Confession of judgment, 276
539
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 164 *Days*.
Session & Criminal Sittings, .. 130 ,,
‡ 20 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge, Mr. J. T. Rivaz, ..	Orgls 0	2	4	6	3	0	0	0	3	0	14189	1	1	0	0	0	0	0	0
	Appls 136	292	4	432	117	171	15	2	127	1	82714	0	0	3	3	0	0	0	1·59
P. S. A. Moulvee Jumeelooddeen,	Orgls 76	117	44	237	2	136	10	33	56	1									
	Appls 0	0	88	88	0	45	4	3	36	0	361215	84	71	‡104	35	35	4	1	29·79
Addl. P.S.A. Punedit Dyaram, ..	Orgls 45	38	1	84	35	41	3	5	0	0									
	Appls 40	0	29	60	0	67	2	0	0	0	1234	0	0						
S. A. Dobey, Joulapershad, Benares, ...	0	57	201	258	4	140	9	4	101	0	33147	30	27	15	0	3	0	0	9·8
Moonsiffs.																			
Dobey Joulapershad, and Emamooddeen, Juggutgunj, ...	133	416	10	559	67	343	19	35	95	0				37	9	30	1	1	9·31
Banee Lall, Chandnee chouk, ...	118	542	63	723	106	389	51	57	129	0	40712	566	1068	37	21	31	5	0	7·78
Furzund Ulee, Surai Mogul,	141	292	8	441	2	269	34	5	131	0				47	17	30	2	0	15·25
Hussun Rezah, Secrole,..	126	384	33	543	78	263	47	34	121	7				75	40	35	9	3	23·07
Total, ..	815	2140	485	3440	414	1855	194	178	799	9	533211	681	1167	318	125	164	21	5	14·29

43·25 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos. 1 to 21	169	721	11	901	217	499	66	0	122	0
,, Ditto ,, 22 to 25	108	5090	8	5206	171	4900	40	0	89	0
2 P. S. A. do. nos. 1 to 21	298	566	221	1085	167	564	206	0	148	6
,, Ditto ,, 22 to 25	92	1232	55	1379	19	1322	20	0	18	0
1 S. A., ...	0	576	0	576	7	388	57	0	124	0
4 Moonsiffs, ...	567	3357	0	3924	70	2563	826	0	465	0
Total, ..	1234	11542	298	3074	651	10242	1215	0	966	6

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Juggutgunj,	1680	0	0	1652	0	0
Ditto Chandnee chouk,	1680	0	0	2042	0	0
Ditto Surai Mogul, ..	2280	0	0	1101	14	0
Ditto Secrole, ..	1680	0	0	1266	6	0
Total, ..	7320	0	0	6062	4	0

80. The Court are not aware that any remarks, in illustration of the results represented in the foregoing tables, are required; it is obvious from the entries that the diligence of all the officers engaged has been in due proportion to the income of business, and that, whatever the quality of their work, no fault can be found with the quantity disposed of. Nearly all the regular cases of longer standing than a twelvemonth had been disposed of at the date of the Judge's report, and those, appertaining to the miscellaneous department, concerned the execution of decrees of the Sudder Dewanny Adawlut, and appeared by the last quarterly returns to have been conducted with regularity and discretion. It may perhaps be premature to express an opinion just yet, but there is no ground to infer from the favorable aspect of business, as represented above, that the change in the constitution of the judicial agency at Benares, which resulted from the correspondence noted below* has been otherwise than beneficial in its effects. With the decrease of expenditure there would seem to have been no decrease of efficiency, and even if, as in the course of the year was proposed by Mr. Rivaz, the Juggutgunj Moonsiffee had been abolished, and its jurisdiction incorporated with those of the other Courts in and about the city, no injury probably would have ensued. The Court, however, thought at the time that it savoured of precipitation, immediately after the removal of the Additional Principal Sudder Ameen, to venture on the dangerous experiment of still further reducing the strength of the judicial establishment in the lower grades, and they accordingly rejected the application. On this subject it is only necessary to state that Pundit Dyaram, Additional Principal Sudder Ameen, retired from the public service on the 14th July, and Doobey Joala Pershaud took his seat as Sudder Ameen of Benares on the following day.

The Court need only state, that the officers employed have exhibited sufficient industry;

the arrear being small and unimportant.

No injury has resulted from change in constitution of judicial agency, alluded to in correspondence,

but the Court were unwilling to venture on the experiment of a still further reduction, as proposed by Judge.

On additional Principal Sudder Ameen's retirement, the newly appointed Sudder Ameen took his seat.

81. The Government will observe, that considerably more than one-third of all the regular suits, instituted in 1846, related to real property, while in the more northern districts the proportion is much smaller—a fact which may perhaps in some measure account for the unusually large number of decisions, that were reversed or modified in the local appellate Courts. In the miscellaneous work is comprised the complete execution of 491 decrees, and the partial settlement of 344 adjudged claims: there seems to have been no want of activity in this department.

More than one-third the regular suits related to real property, which may account for numerous reversals in appeal.

82. In regard to the adjustment of the records, which was alluded to in the 136th paragraph of the last Report, the Court deem it sufficient to refer to the correspondence† which has passed on this subject, and to state their belief, that the funds liberally placed at the disposal of the Judge have been rightly appropriated, and that the work, so far as it has proceeded, has been properly done. With a small balance of the sum allowed (rupees 1000) in hand, Mr. Rivaz judged it prudent to dismiss the extra establishment entertained for the purpose, and to depend for the completion of what little remained to be done on the ministerial agency at his command.

Correspondence regarding records referred to.

83. There is no subject of general interest or importance discussed in Mr. Rivaz's report, nor during the past year has any correspondence passed which it would be useful to recapitulate, with one exception, relating to the indiscriminate practising of pleaders both in the Principal Sudder Ameen's and in the Judge's Courts. The letters‡ referred to are printed in the Appendix (C) in continuation of the extract from the Court's proceedings, which appeared in Appendix (L) to the Civil Report for 1843.

Correspondence regarding the practising of pleaders both in the Judge's and Principal Sudder Ameen's Courts simultaneously, is published in Appendix.

* My letter, No. 281, dated 10th Feb., 1845.
Your reply, No. 915, dated 7th March, ditto.
My letter, No. 588, dated 28th idem, ditto.
Your reply, No. 1526, dated 15th April, do.
My letter, No. 62, dated 27th April, 1846.
Your reply, No. 1989, dated 14th May, 1846.

† My letter, No. 526, dated 6th April, 1846.
Your reply, No. 1716, dated 27th idem.
My letter, No. 160, dated 11th Febr., 1847.
Your reply, No. 1160, dated 12th March.

‡ From Judge of Benares, No. 254, dated 3rd December, 1846.
To Cal. Court, No. 10, dated 4th Jan., 1847.
From Cal. Court, No. 144, dated 29th idem.
To Cal. Court, No. 262, dated 9th March.
From Cal. Court, No. 470, dated 26th idem.
To Judge of Benares, No. 510, dated 17th April.

ZILLAH GHAZEEPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted. *	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	825	3791	443	5059	367	3157	126	398	1011	0	356200
1846, ...	1011	3429	274	4714	252	2904 *	160	343	1055	0	434127
Increase, ..	186	0	0	0	0	0	34	0	44	0	77927
Decrease, ..	0	362	169	345	115	253	0	55	0	0	0

* Of which *Ex parte*, .. 562
Confession of judgment, 473
——1035
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 189 *days*.
Session & Criminal Sittings, .. 36 ,,
‡ 7 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge, Mr. A. C. Heyland,	Orgls 0	1	0	1	0	0	0	0	1	0	144	0	1	0	0	0	0	0	0
	Appls 185	728	7	920	201	429	14	7	269	0	70546	0	0	2	2	0	0	0	·44
P. S. A. Mlvee. Mohd. Zuhoor,	Orgls 91	110	21	222	0	138	4	8	72	0	271810	64	46	‡65	28	37	1	2	19·28
	Appls 99	0	201	300	5	182	2	3	108	0	9351	0	0						
S. A. Mr. James Kirk, Ghazeepore, ..	64	167	0	231	3	147	5	9	67	0	41670	84	83	76	17	28	1	1	47·2
Moonsiffs.																			
Mr. J. Kirk, Ghazepore,	112	410	31	553	11	360	20	69	93	0				99	15	53	5	3	22·04
Sheik Ahmed Ally, Sydepore, ...	136	426	2	564	24	320	58	50	112	0				74	20	36	1	0	17·28
Abdool Ruhman, Bulleeah, ...	148	552	6	706	2	443	34	51	176	0	40606	1040	1383	129	36	78	5	3	24·43
Besheshur Dial, Mohomedabad, ...	90	630	2	722	4	548	16	67	87	0				191	18	149	3	0	30·26
Syud Ahmed Ally, Rusreh	86	405	4	495	2	337	7	79	70	0				103	30	71	1	1	24·34
Total, ..	1011	3429	274	4714	252	2904	160	343	1055	0	434127	1188	1513	739	166	452	17	11	21·69

26·86 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs nos 1 to 21	48	406	0	454	32	357	10	0	55	0
,, Ditto ,, 22 to 25	21	4216	0	4237	1	4216	7	0	13	0
1 P.S.A. ditto nos 1 to 21	52	337	30	419	0	280	84	0	55	0
,, Ditto ,, 22 to 25	10	401	1	412	0	403	0	0	9	0
1 Sudder Ameen, ..	148	2216	5	2369	0	1899	275	0	195	0
4 Moonsiffs, ...	239	2624	1	2864	4	2154	432	0	274	0
Total, ..	518	10200	37	10755	37	9309	808	0	601	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Ghazeepore,	3960	0	0	9997	14	0
Ditto Sydepore, ..	2280	0	0	1892	0	0
Ditto Bulleeah, ..	1680	0	0	2658	12	0
Ditto Mohomedabad,	1680	0	0	2484	0	0
Ditto Rusreh, ..	1680	0	0	1835	8	0
Total, ..	11280	0	0	18868	2	0

84. The Judge, Mr. A. C. Heyland, reports, that he is satisfied with the manner in which the duties of all the Courts subordinate to him have been conducted during the past year, and adds, as a proof of the expedition with which the business was disposed of, that the majority of the 1055 suits, which awaited decision at the close of 1846, were instituted within the last three months of that period. If there has been a falling off in the quantity of work despatched, it is attributable to a decrease in the income of regular business, to the absence of the Principal Sudder Ameen for one month,* and to the adjournment of the Civil Courts for a longer period than usual, on account of vacations. Another circumstance, not noticed in that light by the Judge, may have contributed to this effect, viz. the large proportion of cases which are cognizable only by the Judge and Principal Sudder Ameen, and which "composed nearly a moiety† of the whole arrear pending at the close of the year under review; in order to relieve the superior local Courts from this pressure, additional‡ agency (the permanency or otherwise of which is to be determined after the lapse of a twelvemonth) has been solicited, and granted by the Government in the person of Mohumud Suleem, who has been recently appointed 2nd Principal Sudder Ameen at Ghazeepoor.

Judge declares himself satisfied with the conduct of business in the Courts subordinate to him,

but omits to advert to the heavy files in his own and the Principal Sudder Ameen's Court, which have rendered temporary aid necessary.

85. In all the Courts 1554 decrees were carried out, 1156 to full, 398 to partial execution, and 725 applications were struck off, owing to the failure of the holders to proceed as required by established rules.

Execution of decrees.

86. No subject of general interest is touched upon in the Judge's report, nor during the past year has any correspondence passed, the particulars of which it would be useful to recapitulate in this place. There is but little reason, as Mr. Heyland states, for remark, "in consequence of the regular and satisfactory manner, in which the duties have been performed, calling for no animadversion, correspondence or reference." The Court presume, that the question of the inadequate allowances received by the Moonsiffs on account of establishments, must be considered to have been set at rest by the remarks recorded§ by the Hon'ble the Lieutenant Governor on their Report for 1845. These remarks, with the observations of the Court in reply, are recited below for general information.

The satisfactory conduct of business, generally, leaves no room for further remark.

The Court consider the question of the inadequate allowances received by Moonsiff's amlah to have been set at rest by orders of Government cited.

"Para. 8. The inadequacy of the sum allowed for the establish-
"ment of each Moonsiff (40 rupees per mensem) is noticed by Mr.
"Thomas, the Judge of Bareilly, and is adverted to by the Court in
"several passages of this Report. Several of the other Zillah Judges,
"in whose opinion the Lieutenant Governor is inclined to place confi-
"dence, have submitted representations on the same subject. The Lieu-
"tenant Governor is not however disposed at the present moment to
"press this subject on the notice of the Government of India, and
"would rather direct the attention of the Court to reduce the enormous
"quantity of matter which the Moonsiffs often very unnecessarily crowd
"into their proceedings."

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* My letter, No. 875, dated 8th June, 1846.
Your reply, No. 2613, dated 23rd June.

† NOTE.—Of 1055 pending cases, 450 were of this nature.

‡ My letter, No. 1806, dated 14th December, 1846.
Your reply, No. 122, dated 14th January, 1847.
My letter, No. 104, dated 26th January, 1847.
Your reply, No. 797, dated 20th February, ditto.
My letter, No. 392, dated 27th March, ditto.
Your reply, No. 1751, dated 8th April, ditto.

§ *Vide* Para. 8th of your letter, No. 960, dated 26th February, 1847.

Extract (paragraph 6th) from Court's letter, No. 368, dated 6th March, 1847, in reply.

"It is a source of regret to find, that the Hon'ble the Lieutenant Governor is unwilling, notwithstanding the unanimous opinion of all who have alluded to the point, to advocate an increase of the sum allowed to Moonsiffs for stationery and ministerial establishment; its insufficiency is a fact, established by unexceptionable testimony, and it is an evil which cannot be removed by any practicable reduction in the number or the matter of the Moonsiff's proceedings. The proceedings, technically, consist of the pleadings, the notices and proclamations to parties, the oral evidence and documents filed by them, and the final decree, in which the judgment recorded under Act XII. of 1843 is incorporated. The pleadings, being prepared by the parties themselves, or their vakeels, can have no effect on the labors of the Moonsiff's amlah; the notices and proclamations cannot be reduced either in matter or in number without an infraction of the law, nor can the Moonsiff refuse, except for very sufficient reasons, to receive the evidence of witnesses, named by the parties, without a violation of the first principles of justice. The mere reception, and annexation to the record of documentary papers involves but little labor, and the final decree, therefore, is that to which, the Court presume, his Honor alludes, as having 'unnecessarily crowded' into it an 'enormous quantity of matter.' It is possible, that in some instances these decrees may have been found to exhibit the pleadings in detail, instead of shewing only the material facts, alleged therein, and to be in other respects needlessly diffuse and prolix, but the correction of these errors, (which it is hoped will be brought about by the recent* Circular Order on the subject) will have little effect in reducing the labor of the Moonsiff's amlah. The Court have endeavored by that Circular to restriet the matter to be recorded in the decree, to that which is either required by law, (section 40, Regulation XXIII. of 1814), or is absolutely necessary for the information of the appellate Courts; but they are satisfied that if these rules be expected to increase the efficiency, or rather to cure the inefficiency of the Moonsiff's ministerial establishments, the result will disappoint expectation. It is not the matter, relevant or irrelevant, much or little, contained in one or half a dozen decrees, that creates the great pressure of work, which all complain of, but it is the great *income* of Civil business, which obliges the Moonsiffs, in order to keep pace with it, to decide 25 and 30, in some instances 50 and 60 regular suits in each month, besides disposing of the various miscellaneous cases which come before them, and which must always bear a certain proportion to the income of regular business. It must not be overlooked that, in order to prevent improper delay in the preparation of decretal orders, the Moonsiffs are required by Circular Order, No. 49, dated 20th September, 1839, to forward to the Judge's office the record of all cases, decided in the month, within ten days of its close, (and this is a precaution which the Court cannot consent to forego), and that by Circular Order, No. 820, dated 6th June last, they are called upon to keep up a set of Register Books, a precaution, which cannot be foregone without putting an end to regularity in the transaction of business. Since the amount allowed for the Moonsiff's establishment was fixed, their powers have been enlarged, their duties have increased both in importance and in extent, and nothing but an augmentation of the allowance in question, the Court are convinced, can enable the Moonsiffs to contend successfully with the pressure of work, except by recourse to expedients, which the Hon'ble the Lieutenant Governor would be the first to condemn."

* *Vide* Gazette of 2nd March, 1847.

ZILLAH KUMAON.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pendg. beyond 1 yr.	11 Value of original suits and appeals pending on 31st December.
1845, ...	1768	7721	2797	12286	2754	2291	4534	1196	1511	0	85256
1846, ...	1511	5845	908	8264	871	2397 *	2898	550	1548	1	62114
Increase, ..	0	0	0	0	0	106	0	0	37	1	0
Decrease, ..	257	1876	1889	4022	1883	0	1636	646	0	0	23142

* Of which *Ex parte*, .. 290
Confession of judgment, 225
515
Exclusive of those decided by the Commissioner in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 189 *days.*
Session & Criminal Sittings, .. 34 ,,

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Comr. Mr. G. T. Lushington, .. *Senr. Ast. Kumaon.*	Orgls 1	22	1	24	21	1	1	0	1	0	12	10	12	0	0	0	0	0	0
	Appls 174	293	24	491	0	349	20	22	100	1	8010	0	0	0	0	0	0	0	0
Mr. J. H. Batten, *Senr. Ast. Gurhwal.*	Orgls 55	506	28	589	165	63	129	33	199	0	11061	284	222	168	13	106	6	2	40·77
	Appls 121	286	14	421	11	153	29	5	223	0	6861	0	0						
Capt. H. Ramsay, *Junior Asst. Kumaon.*	Orgls 58	1386	46	1490	605	288	334	86	177	0	10500	619	767	139	30	120	14	5	16·72
	Appls 29	135	2	166	1	109	12	2	42	0	680	0	0						
Mr. J. Strachey, *Sudder Ameen Kumaon.*	Orgls 46	517	71	634	0	86	416	16	116	0	5953	105	412	33	31	53	1	13	6·37
	Appls 1	0	1	2	2	0	0	0	0	0	0	0	0						
Sibchurn Singh, *Sudder Ameen Gurhwal,*	Orgls 396	1090	78	1564	24	433	623	96	388	0	12381	504	586	178	30	83	17	2	15·45
	Appls 0	0	0	0	0	0	0	0	0	0	0	0	0						
Sree Lochun Joshee, ... *Moonsiffs.*	Orgls 306	653	287	1246	18	304	698	88	138	0	2840	124	529	81	27	35	6	2	7·41
	Appls 2	0	0	2	0	2	0	0	0	0	0	0	0						
Buldeo Joshee, Kumaon,	112	485	46	643	13	357	90	87	96	0	2751	105	8 0	87	5	31	11	5	16·29
Sewanund Kundoree, Gurhwal, ...	210	472	310	992	11	252	546	115	68	0	1065	26	4 4	56	13	36	6	0	6·13
Total, ..	1511	5845	908	8264	871	2397	2898	550	1548	1	62114	1777	3354	742	149	464	61	29	12·69

24·3 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Comr., headgs. nos. 1 to 21	48	145	4	197	1	176	2	0	18	0
Ditto ,, 22 to 25	0	20	0	20	0	20	0	0	0	0
2 Sr. Assts. do. ,, 1 to 21	93	745	7	845	367	274	152	0	52	0
Ditto ,, 22 to 25	0	169	0	169	0	169	0	0	0	0
1 Jr. Asst. do. ,, 1 to 21	58	650	59	767	0	329	224	0	214	0
Ditto ,, 22 to 25	0	103	0	103	0	103	0	0	0	0
2 Sudder Ameens, ...	125	314	0	439	6	242	122	0	69	0
2 Moonsiffs, ...	0	0	0	0	0	0	0	0	0	0
Total, ..	324	2146	70	2540	374	1313	500	0	353	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amnt. reald by sale of stamps.		
Moonsiff Kumaon, ..	840	0	0	*6439	4	0
Ditto Gurwal, ..	840	0	0	† 580	0	0
Total, ..	1680	0	0	7019	4	0

* *Kumaon.* On acct. Stamps, .. 5192 4 0
Ditto Russoom, .. 1247 0 0
6439 4 0

‡ *Gurwal.* On acct. Stamps, ... 244 0 0
Do. Russoom, ... 336 0 0
580 0 0

The falling off in suits instituted, and in the number adjusted and dismissed, is remarkable,

87. The most remarkable features in the preceding tables are the great falling off in the amount of Civil business instituted, and in the number of suits "dismissed on default" and "adjusted or withdrawn." The Commissioner, in respect to the former, conceives that the "re-introduc-"tion of stamps may be assumed as the cause of this remarkable falling off "in the number of institutions, and the corresponding (or consequent) "decrease of dismissals by default may perhaps justify the conclusion, that "groundless litigation has been checked by the new system, and that "though much fewer suits are instituted under it, a far larger proportion "of suits so instituted, is worthy of decision, than was the case formerly." Mr. Ramsay, the Senior Assistant in Gurhwal, attributes the fact to the same cause, and the Court are disposed to form a similar conclusion; but they prefer to suspend their judgment as to the effect of the change until the experience of another year or two affords more certain data. The measure, as Government are aware, was in operation for 6 months, and therefore a qualified opinion only can be expressed, viz. "that *if* the "above inference can be fairly deduced from the premises, we may "safely consider the change in question to be beneficial," (vide para. 4th Commissioner's report). The decrees in the number of adjusted suits may be traced, the Court think, with some shew of reason to the effect of their Circular Order, dated 23rd January, 1846, which defined the law regarding the restitution of stamp duty on plaints and petitions of appeal to plaintiffs and appellants, in suits amicably adjusted, and which has been referred to elsewhere as the cause of similar results in other districts of these provinces. This circumstance will also, in all probability, have contributed to the reduction observable in the number of suits instituted; and that real substantial claims have not been barred either by the re-introduction of stamps or the restrictive rule of the Circular Order in question, may be assumed from the fact of decisions on trial having been more numerous during the past, than the preceding year, when more suits by 1876 were instituted than in 1846.

and is thought to be with reason attributable to the re-introduction of stamps,

and to the operation of Circular Order, dated 23rd January, 1846, before cited.

At the end of 1846, the files were in good order.

88. When the year ended, the files of all the Courts were in good order, exhibiting no arrear worthy of notice. The miscellaneous business relates almost entirely to the execution of decrees, of which 636 were fully, and 167 partially enforced, 484 applications besides having been struck off on default of the decree-holders to proceed.

Mr. Strachey has been, at the Commissioner's recommendation, invested with Senior Assistant's powers.

89. Mr. Lushington continues to entertain a high opinion of his Assistants Messrs. Batten and Ramsay; and Mr. Strachey, who succeeded the latter in the office of Junior Assistant in Kumaon, has during the year acquired so much experience in the Civil Court, and a familiarity with the language of the province, which he did not previously possess, that the Court have deemed it fitting, at the recommendation of the local officers, to invest him with the powers of a Senior Assistant, as described in clause 2, section 1, and the subsequent provisions of the rules for the administration of Civil Justice in Kumaon. No change of incumbency has occurred in the Sudder Ameens' and Moonsiffs' offices, and the opinions of their superiors in regard to their qualifications remain unaltered, and may be found recorded in former Reports.

90. No other remarks are called for by the papers before the Court, or by the correspondence which has passed during the year 1846.

ZILLAH SIMLAH.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pendg. beyond 1 yr.	11 Value of original suits and appeals pending on 31st December.
1845, ..	2	822	0	824	0	436	251	136	1	0	2902
1846, ..	1	570	0	571	0	302 *	184	83	2	1	2905
Increase, ..	0	0	0	0	0	0	0	0	1	1	3
Decrease, ..	1	252	0	253	0	134	67	53	0	0	0

* Of which *Ex parte*, .. 77
Confession of judgment, 36
113
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil and Sessions Sittings, .. 220 *days.*

Names and Designations of officers.		*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
		1	2	3	4	5	6	7	8	9	10	11	12 Relating to real property.	13 Relating to bonds, contracts, wages, &c.	14 Appeals instituted.	15 Reversed or modified.	16 Confirmed.	17 Dismissed.	18 Withdrawn.	19
†Judge, Hon'ble J. C. Erskine, ..	Orgls	1	2	0	3	0	1	0	1	1	1	2902	0	2	0	0	0	0	0	0
	Appls	0	23	0	23	0	22	0	0	1	0	3	0	0	0	0	0	0	0	0
P.S. A. Mr. B. Hodgson, ..	Orgls	0	545	0	545	0	279	184	82	0	0	0	3	542	23	7	15	0	0	4·22
	Appls	0	0	0	0	0	0	0	0	0	0	0	0	0						
	Total, ..	1	570	0	571	0	302	184	83	2	1	2905	3	544	23	7	15	0	0	4·04

31·81 per cent. reversals.

No. 3.—Miscellaneous.

		1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos.	1 to 21	1	3	0	4	0	4	0	0	0	0
Ditto ,,	22 to 25	0	33	0	33	0	33	0	0	0	0
1 P.S.A. ditto ,,	1 to 21	0	122	0	122	0	122	0	0	0	0
Ditto ,,	22 to 25	0	1174	0	1174	0	1174	0	0	0	0
Sudder Ameen,	(none), ..	0	0	0	0	0	0	0	0	0	0
Moonsiffs,	(none), ..	0	0	0	0	0	0	0	0	0	0
	Total, ..	1	1332	0	1333	0	1333	0	0	0	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
(None), ..	0	0	0	0	0	0
Total, ..	0	0	0	0	0	0

Civil business consists chiefly of actions for debt, &c., which originate chiefly with European residents,

and are easily disposed of by the two local Courts.

91. Beyond calling attention to the fact, that the Civil business in this jurisdiction consists almost exclusively of claims for debts on bond, wages, damages for breach of contract, and such like matters (vide columns 12 and 13, table 2), and explaining the fluctuation in the quantity thereof (vide column 2, table No. 1), brought before the Courts, by stating that it owes its origin for the most part to the European residents at Simlah, and not to the indigenous Hill men, the Court find little which calls for observation. The statements show that the work is promptly dispatched, that neither of the two Courts is at all embarrassed with its amount, and that all the applications for execution of decree, put in during the past year (amounting to 126) were followed by a full settlement of the demand; and a reference to the records of this Court confirms the truth of the prediction, contained in the 153rd paragraph of their last Report, that the orders giving certain appellate jurisdiction to the Sudder Dewanny Adawlut have been inoperative.

Suits will in future be instituted before the Assistant, who has been invested with Principal Sudder Ameen's powers.

92. Mr. Brian Hodgson was invested by the orders of Government, dated 28th August, 1846, with the powers of a Principal Sudder Ameen, and all cases will now be ordinarily instituted before him.

SUDDER DEWANNY ADAWLUT.

Names Judges with the Court in 1846,

93. Mr. Thompson was present with the Court throughout the year, Mr. Cartwright took his seat on the 10th January of the year under report, and continued to occupy his seat uninterruptedly to its close; and during the absence of Mr. Tayler from the 1st May to 1st December, Mr. A. W. Begbie officiated. The following note exhibits the number of cases disposed of, and pending before the Sudder Dewanny Adawlut in 1846;

and subjoins a note of work disposed of, and pending in 1846,

	Pending on 1st January, 1846,..		117
Admitted during the year,	Regular appeals, ...	63	
	Special appeals, ...	103	
			166
			283
Disposed of, ...	Regular appeals, ...	91	
	Special appeals, ...	100	
			191
	Remaining on 1st January, 1847,		92

And the following tables give a comparative view of the business, brought before the Court, in 1845 and 1846, and shew the cases disposed of, distributed according to the nature of the final order passed upon them. A note is added, exhibiting the years in which the several appeals that awaited decision on the 1st January, 1846 and 1847 respectively, as well as on the 1st June, 1847, were instituted. Both in the regular and miscellaneous departments there has been a large falling off in the income of business, which has been accompanied, naturally, by a decrease in the number of decisions, and followed by a reduction of arrear at the close of the year under report: it will be seen that on the 1st June instant few cases, brought on the file previous to the current year, were pending.

A considerable decrease of work in both departments is noticed.

	Regular and Special appeals.															Miscellaneous disposed of.			
	Pending on the 1st Jany.			*Admitted during the year.*			*Total before the Courts.*			*Disposed of.*			*Pending on the 31st December.*						
	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Cases.	Petitions.	Petitions of Special Appeals.	Total.
1845, ...	87	46	133	97	128	225	184	174	358	99	142	241	85	32	117	610	1397	663	2670
1846, ..	85	32	117	63	103	166	148	135	283	91	100	191	57	35	92	550	792	428	1770
Increase, ...	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0
Decrease, ...	2	14	16	34	25	59	36	39	75	8	42	50	28	0	25	60	605	235	900

	Distribution of the cases disposed of with reference to the mode of disposal.							
	Confirmed on perusal of the petition of appeal and decree of the lower Court.	Confirmed after summoning the respondent.	Reversed.	Modified.	Ordered back for re-trial or further investigation.	Dismissed on default.	Adjusted.	Total.
1845, ...	18	44	50	27	83	9	10	241
1846, ...	39	28	38	16	64	4	2	191
	+ 21	—16	—12	—11	—19	—5	—8	—50

Dates of institution of appeals pending on the 1st January, 1846 and the 1st January, 1847.

	1843	1844	1845	1846	Total.
1845, ...	1	8	108	0	117
1846, ...	0	0	14	78	92

Pending on the 1st June, 1847.

1844	1845	1846	1847	Total.
0	4	45	56	103

but that which deserves most attention is the falling off in the No. of applications for special appeal,

which is explained.

94. But the most remarkable feature in the above tables is the large decrease in the number of applications for special appeal of which only 428 were filed; notwithstanding, however, this decrease of 235 in the number of *applications*, the special appeals *admitted* were fewer only by 25, than in 1846, from which perhaps it may be inferred, that the strictness of the Court's practice, in this respect, has had the effect of impressing on the pleaders of the Court the necessity of examining the cases laid before them, and carefully considering whether there are really good grounds for a special appeal, before undertaking to institute and conduct it. If this be correct, the converse of the proposition may be assumed to be equally true, that few, if any, have been denied the benefit of the law, who were in a position to claim it. The orders, passed on the 428 applications that were filed, are shewn in the following memorandum:

Admitted.	*Rejected.*	*Struck off.*	*Total.*
103	271	54	428

Value of property under litigation stated,

95. The value of property, to which the 191 appeals disposed of related, was Rs. 25,56,283, and that at stake in the 92 which awaited decision at the close of the year, amounted to Rs. 14,05,681; the value of property under litigation before all the local Courts, when 1846 ended, was 48,03,292, which with the value of appeals before the Sudder Dewanny Adawlut, as just stated, makes an aggregate of Rs. 62,08,973:

In original suits, ...	40,95,010
In appeals, ...	21,13,963

96. The following abstract of general Statement, No. 2, shews the general result of operations in the local Courts, those in the extra regulation Provinces and the Sudder Dewanny Adawlut excluded.

	Pending on 1st January, 1846.	Instituted and received by transfer in 1846.	Total.	Transferred to other Courts.	Remaining for trial.	Decided on trial.	Dismissed and adjusted, &c.	Total disposed of.	Pending at the end of 1847.
Originals,	16889	66101	82990	4975	78015	41778	20474	62252	*15763
Appeals,	2274	9240	11514	2670	8844	5816	476	6292	2552
1846, ...	19163	75341	94504	7645	86859	47594	20950	68544	18315
1845, ...	16825	78559	95384	6398	88986	46896	22990	69886	†19163
	+2338	—3218	—880	+1247	—2127	+698	—2040	—1342	—848

* The difference between this entry and that in the total column of Statement No. 3, is attributable to an error in the preparation of the Moradabad statement, discovered too late for correction: 247 suits, which were pending in the Moonsiffees of Saheswan and Islamnugger at the time of their transfer to Bareilly, have been twice accounted for, once in the Moradabad and again in the Bareilly statement.

† In this number are erroneously included 63 suits which were pending in the Moonsiffees of Julleisur and Maat at the date of their transfer, and which instead of being represented as pending at the beginning of 1846, should have been entered under the head of "Received by Transfer."

The arrear being smaller by 848 cases at the close than at the beginning of the year under report, it seems sufficient to call attention to the decrease in the number of adjusted suits, as contrasted with the increase of decisions on trial, (which may perhaps be the effect of the Circular Order, dated 23rd January, 1846), and to add that of the suits represented as decided on trial 9036,* were disposed of, after an *ex parte* investigation, and 12,722 decreed on confession of judgment. The two items yield a proportion of 52·08 per cent. on the number of decisions on trial. Of the 18,315,† which constituted the aggregate arrear on the files of the local Courts at the end of 1846, a fractional portion only were instituted in previous years.

and an epitome of Statement No. 2 exhibiting the result of operations in the local Courts is given.

97. A table is subjoined, in which the decisions passed after trial on all the original suits (41,778) are distributed according as they were in favor of plaintiffs or defendants.

Table of the issue of original suits is subjoined.

	For Plaintiffs.	*For Defendants.*	*Total.*
Judge, ...	0	2	2
Principal Sudder Ameen, ..	1639	689	2328
Sudder Ameen, ...	3120	985	4105
Moonsiffs, ...	28908	6435	35343
	33667	8111	41778

The proportion of suits decided in favor of plaintiff is 80·5 per cent.

98. It appears from the calculations, exhibited in Statement No. 4, that the average period occupied in the disposal of each case is, in the Sudder Dewanny Adawlut and the Zillah Courts, little more than 5½ months, in the Courts of the Principal Sudder Ameens little more than 3½ months, of the Sudder Ameens less than 3½ months, and in the Courts of the Moonsiffs less than three months. One great *desideratum*, avoidance of delay, namely, in the dispatch of judicial business, has been attained, and the proportion of appeals instituted, (vide Statement No. 9) is such as to favor the conclusion that, generally speaking, substantial justice is administered.

Average period occupied in the disposal of each case in the Sudder and local Courts stated, with remarks.

99. In the Regulation Provinces 151 suits were decided with the aid of the agency provided by Regulation VI. of 1832, in regard to which the Court still entertain the opinion expressed in the 161st paragraph of their last Report. Of this number, 143 were disposed of in accordance with the verdict or award delivered. The extent, to which this law has been applied during the last three or four years, is shewn below,‡ and it is only necessary to add on this subject, that 29 cases were decided with a Punchayet and 1 with Assessors in Kumaon, while in Simla, the other extra Regulation Province under the Court's control, Assessors were employed in 8 cases.

Statement No. 7.
But few cases were tried under Regulation VI. of 1832, in regard to which the Court's opinion is unchanged.

100. Statement No. 8 is designed to exhibit the different descriptions of original suits, instituted before the several local Courts within the Regulation Provinces. Referring to the statement for details, the Court desire merely to state, that of the 60,492 preferred within the year 1846, 12,802 were brought for property and possession of land, or for the asser-

Statement No. 8 shews the nature of the suits instituted,

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* Note.—The two original suits decided by the Judge being excluded.

† *Vide* Note † *supra*.

‡ 1842, ... 289.
1843, ... 165.
1844, ... 141.
1845, ... 118.

the larger portion of which, it is found, relate to debts, and other personal matters.

tion of some interest in land or other real property, while by far the larger portion, (78·8 per cent.) had reference to debts or bonds, damages, wages, banker's accounts, and other personal matters of that nature.

Statement No. 9. An Abstract of No. 9 relative to the proportion of appeals, and their result, is given,

101. An abstract of this statement, which exhibits the number of appealable cases decided during the past year in all the Courts of the North Western Provinces, and the number and proportion of appeals instituted, with the number and proportion also of confirmations and reversals in appeal, is here given, and the remarks recorded in the 166th paragraph of the Court's last Report may be applied with equal propriety to the results which it represents, as to those which the statements for 1845 exhibited.

and calls for no other remarks than those contained in Report for 1845.

Statement No. 10. Applications for execution of decree. This statement exhibits the result of applications for execution of decree,

102. Including the cases remaining over from 1845, there were altogether 56,962 applications of this description before the local Courts of the Regulation Provinces during the year 1846, of which number, (deducting 1,764 transferred to other Courts), 44,909 were disposed of before its close, 15,835 by full execution of the decree, 8,487 by partial settlement of the claim, and 20,527 by dismissal on default of the decreeholder to proceed in the execution. The arrear consisted of 10,349 cases, of which 24 only were brought on the file prior to the year under report. The proceedings in this department are conducted with activity, and the want of success, which is apparent from the foregoing epitome of the statement, is mainly attributable to the neglect, whether inadvertent or other, of those whose interests are chiefly concerned in the result of the Court's operations. Instances of insolvency either complete or partial of course occur, private feelings occasionally interpose, and conventional prejudices may sometimes stand in the way; but the opinion of the Court, as

a large portion of which, are struck off owing, it is thought, to the indifference of those chiefly interested,

Officers.	Description of cases.	1	2	3	4	5	6	7	8		9		10		11		12				13			14
		Original suits and first appeals.				Proportions.			First and 2nd Appeals.															
		Number appealable.							No. pendg. at the end of 1845		No. appld. dg. the yr. 1846.		Tol. no. under trl. dg. yr. 1846		Number confirmed.						Number modified or reversed.		Total. decided during the yr.	
		Cases decided on full trial.	Cases decided ex parte.	Cases decided on confession of judgment.	Total.	Col. 9 to col. 1.	Of column 9 to column 1 and 2.	Of column 9 to column 1, 2 and 3.	Before Sud. Dewany Adawlut.	Before zillah authorities.	To Sudder Dewany Adawlut.	To zillah authorities.	Before Sudder Dewy. Adawt.	Before zillah authorities.	By Sudder Dewany Adawlut.	By Judge.	By Princl. Sudder Ameen.	Total.	By Sudder Dewany Adawlut.	By Judge.	By P. S. Ameen.	Total.	By Sudder Dewanny Adawlut.	By zillah authorities.	Proportion of confirmations to number tried.
									R.	S.	R.	S.	R.	S.	R.	S.	R.	S.	R.	S.	R.	S.	R.	S.	
106 Moons.	Or. suits,	16,262	7,897	11,793	35,952	32·92	22·2	14·92	0	0	1,665	0	0	5,365	0	0	7,030	0	0	1,777	1,336	3,113	0	0	4,651	66·93
17 S. A.	ditto	2,982	1,014	848	4,844	31·32	23·37	19·28	0	0	389	0	0	934	0	0	1,323	0	0	228	221	449	0	0	718	62·53
26 P.S.A.	ditto	2,214	488	342	3,044	24·4	21·27	20·41	83	6	547	61	29	1,035	144	35	1,582	44	5	709	0	709	38	21	1,082	65·52
	Appeals,	2,395	69	3	2,467																					
21 Judges.	Or. suits,	4	0	0	4	1·9	1·9	1·9	2	26	0	2	74	0	4	100	0	2	16	0	0	0	1	58	0	23·37
	Appeals.	3,982	0	0	3,982																					
	Total,	27,839	9,468	12,986	50,293	26·34	19·65	14.58	85	32	2,601	63	103	7,334	148	135	9,935	46	21	2,714	1,557	4,271	39	79	6,451	66·2

above expressed, is warranted by experience and by the fact that, of the 56,962 before the Courts, 15,808 were "readmitted" applications. The renewal of an application for execution in the Moonsiffs' Courts involves no expense.

because the renewal of an application costs nothing.

103. The statement, which exhibited the result of appeals to the Sudder Dewanny Adawlut from the decisions of individual officers, has been dispensed with on the present occasion, because the information which it conveyed may be now gathered, collectively, from the General Statement No. 1, and in detail from No. 9 and the tables, which, as appertaining to each district, are incorporated with the Report. Of 185 admitted appeals that were decided by the Court on trial, a proportion of 34·6 per cent. were remanded for re-trial or re-investigation, 36·2 ended in confirmation of the decision passed by the lower Court, and the remainder in its modification or reversal. A table is, as heretofore usual, subjoined to shew the manner in which the power of remanding suits for re-trial has been exercised by the lower Courts, on whom it was conferred by Act VII. of 1838.

Detailed statement of appeals to S. D. A. has been dispensed with for reasons stated;

and a statement of the general result is thought sufficient.

Table of remands by Judge and Principal Sudder Ameen subjoined.

Zillahs.	1844.			1845.			1846.		
	By the Judge.	By the P. S. A.	Total.	By the Judge.	By the P. S. A.	Total.	By the Judge.	By the P. S. A.	Total.
Delhee,	33	3	36	25	3	28	31	1	32
Saharunpoor,	36	0	36	21	0	21	8	0	8
Meerut,	19	4	23	8	2	10	23	0	23
Allygurh,	26	1	27	23	2	25	10	6	16
Moradabad,	4	2	6	1	15	16	6	8	14
Bareilly,	40	1	41	8	6	14	13	9	22
Agra,	4	0	4	6	0	6	10	0	10
Furruckabad,	12	1	13	4	0	4	1	0	1
Mynpooree,	14	2	16	7	2	9	1	5	6
Cawnpoor,	20	4	24	37	0	37	32	5	37
Futtehpoor,	11	0	11	21	0	21	33	0	33
Bundelkhund,	25	6	31	15	0	15	19	0	19
Allahabad,	14	0	14	25	2	27	15	0	15
Goruckpoor,	18	2	20	7	6	13	6	4	10
Azimgurh,	17	14	31	16	2	18	31	4	35
Jounpoor,	10	6	16	7	9	16	8	1	9
Mirzapoor,	16	0	16	9	0	9	9	0	9
Benares,	27	3	30	50	1	51	37	1	38
Ghazeepoor,	8	2	10	52	0	52	11	0	11
Kumaon,*	50	3	53	35	8	43	21	16	37
Subathoo,	3	0	3	16	0	16	6	0	6
Total, ..	407	54	461	393	58	451	331	60	391

104. The miscellaneous business, dispatched in the several local Courts and the Sudder Dewanny Adawlut, is shewn collectively, and, it is thought, with sufficient fullness in the general Statements Nos. 11 and 12, which call for no explanation or remark.

Statements Nos. 11 and 12, which exhibit the miscellaneous work of the Courts, require no remark.

* In Kumaon for "Judge" Subaudi "Commissioner;" for "P. S. Ameen" ditto "Senior and Junior Assistants."

One new appointment to the office of Principal Sudder Ameen was made in the year.

105. In compliance with the desire expressed by Government in the Secretary's letter, No. 1507, dated 6th May, 1840, I am desired to announce, that the only new appointment made in the past year to the office of Principal Sudder Ameen was that of Mahomud Kurreem Koolee, Sudder Ameen and Moonsiff of Muttra in the Agra district, to be 2nd Principal Sudder Ameen of Goruckpoor, (No. 2675, dated 29th June, 1846.)

There is now no necessity for conforming to Government orders of 1834, for reasons stated;

106. The Court were directed by the orders of Government dated 15th September, 1834,* to notice briefly in their Annual Report the Circular Orders that might have been issued in the course of the year to which it should relate, but the necessity of this has been superseded by the publication of all of a permanent character in the *Government Gazette*, and the separate submission of duplicates, at the time of issue, for the information of Government; in like manner, no Act of the legislature connected with the judicial department becomes law, before a draft of the same has been laid before the Court, and their opinion on its principle and provisions delivered. Thus, there are but few subjects of any importance, which have not either been discussed in communication with Government, or resolved into the form of an authoritative rescript, before the compilation of the Annual Report, and in consequence its closing paragraphs must usually be confined to a summary of the business dispatched in the Civil Courts collectively, and a brief examination of the general statements. The results which those for the past year exhibit are not unsatisfactory: they bear unequivocal testimony to the diligence of the judicial officers; they afford a reasonable ground of belief that the functions of those officers are discharged, generally speaking, with satisfaction to the litigant parties, as well as with a due regard to existing regulations and orders; and a comparison of them with the returns of past times (say, 1837 and 1838), will shew the general improvement which has taken place in the working of the judicial system.

and therefore but few subjects remain for discussion in the Annual Report,

which must ordinarily be confined to a summary of the business disposed of:

the result is thought satisfactory on the present occasion.

The Court have given their attention to the improved working of the system,

107. It has been the endeavor of the Court during the past year to promote this object by a strict supervision, both judicial and extra-judicial, and by the promulgation of rules on various subjects of interest and importance. In connection with Act I. of 1846,† rules have been framed and issued for the examination of persons desirous of practising as pleaders in the Courts of the country, and will, it is expected, ensure a certain degree of education, intelligence and general fitness for the office on the part of those receiving certificates of qualification. The Judges have been authorized to give a retrospective effect to the rules, as regards those now holding pleaders' sunnuds, who may in their judgment be incapable of properly performing a pleader's duty, but neither this nor any other part of the instructions in question has yet come into active operation, and no conclusive opinion respecting them can be expressed. There are some who apprehend that the national dislike of submitting to an examination will exclude many respectable and well-educated men from the bar, and who argue, that this obstacle will not be so easily or so quickly overcome, as in the parallel case of the examinations for the office of Moonsiff. In the latter, the certainty,

and have passed rules having for their object to raise the qualifications and character of the pleaders.

Some object to the prescribed examination, on account of the national abhorrence of that ordeal,

* *Vide* Letter from Secretary to Government to Register Sudder Dewanny and Nizamut Adawlut North Western Provinces, No. 1824, dated 15th September, 1834, and enclosure (p. 31.)

† Circular Order, No. 1134, dated 3rd August, 1846.

sooner or later, of honorable employment and the hope of promotion and increased allowances, are sufficient to counterbalance the native abhorrence of the prescribed ordeal; while in the former the extent of practice is uncertain, the amount of remuneration is uncertain, as well as its realization, the liability to fine, and the inferior position which pleaders occupy, are distasteful; and in short, the same considerations do not exist, and consequently the same result, say the objectors to the rules under notice, will not ensue. Whether this effect will be produced, as anticipated, can be at the present time no more than matter of conjecture; but admitting, for the sake of argument, that such will be the result, the Court are prepared to counteract it either by giving the preference, in selecting men for judicial office, to those who have received certificates of qualification as pleaders, or, if this be insufficient, by declaring practice at the bar, after qualification under Act I. of 1846, a necessary preliminary to judicial employment. Such an injunction would be defensible on other grounds than those of necessity or even expediency, for it would amount to no more than an imitation of the principle which regulates the selection of men for judicial office in that country, which is distinguished above all the nations of modern times for the ability of its bar, the learning and integrity of its Judges, who have served an apprenticeship at the bar, and the completeness of its judicial system, which is sustained by the combined efforts and the reciprocal assistance both of the bar and the bench.

but the supposed effects of the rules are mere matter of conjecture at present,

and should they arise, the Court are prepared to counteract them, rather than abandon the rules.

108. Act IV. of 1846 is a law which was much wanted. It is the generally received opinion, that from the time when Regulation XI. of 1822 was enacted to the date on which the Act in question became law, there was no legislative direction for the *conduct* of sales of land in execution of decree. The defect has now been supplied, and the provisions of the Act in question, together with the rules* framed under the 11th section thereof, will not only put a stop to the uncertainty and diversity of practice, which previously prevailed, but will have the effect at the same time of rendering the process of sale better adapted to its object, and more successful in its results. It does not comport with the practical purposes of this Report to indulge in merely theoretical speculations, but the Court may be permitted briefly to remark, that the periodical holding of sales, the more complete publication of the intended sale, and the more perfect information, which will be available, in regard to the property proposed for sale, no less than the limitation of the purchaser's liabilities and rights, will invite competition, and necessarily raise prices. There is reason to hope, too, that, as the course of procedure is better defined, the objections to irregularities in the conduct of sales, and consequently, to their validity, will be less frequent, and the operations of the Courts in the execution of decrees be less impeded.

The law for regulating the conduct of sales in execution of decree was much needed,

and there is reason to hope that, with the subsidiary rules, dated 14th December, 1846, it may be productive of good.

109. The attention of the Court has likewise been directed to the introduction of some uniform system in the preparation of the Civil Court's decrees, and this, the Court expect, will be effected by the ope-

Rules also have been passed for the uniform preparation of the decree of the Civil Courts.

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* Circular Order, No. 1859, dated 14th December, 1846.
Government Gazette No. 4, dated 26th January, 1847, page 38.

ration of the Circular Order cited below.* The needless prolixity with which decrees have been hitherto usually written, the quantity of irrelevant matter that has been inserted in them, the absence of method in their preparation, and the want of marginal references have thrown much needless labor on the ministerial officers of the Courts without aiding, to the required extent, the researches of the appellate tribunals. The rules, which have been prescribed, enjoin the insertion of so much of the pleadings only as shall suffice to exhibit the points really at issue between the parties, a reference to the documents filed and the oral evidence adduced by either party, preceded by a narrative of the circumstances under which the suit was instituted in, or referred to, the trying Court, and succeeded by a recapitulation of the grounds of decision, as recorded under Act XII. of 1843; and in doing this, they seem to the Court to do much towards the correction of the evils above adverted to. There are other parts of the rules, which would appear trifling, if considered singly, and will not therefore be mentioned in this place, but which, as forming parts of a whole, are not unimportant in themselves or in their expected effects. These orders regarding the preparation of decrees anticipate in a measure, if not as entirely as the terms of the written law will allow, the wishes of the Hon'ble the Court of Directors, as conveyed in their dispatch, dated 28th May, 1846, and received with your letter, No. 4185, dated 28th September last.

and anticipate the wishes of the Hon'ble the Court of Directors as conveyed in their dispatch, dated 28th May, 1846.

110. In obedience to the orders of Government, the publication of the English decisions, recorded by the Judges of this Court under Act XII. of 1843, was commenced on the 1st May, 1846, and subsequently (*vide* your letter No. 5255, dated 15th December, 1846,) the printing of an authorized vernacular version of these decisions was sanctioned. The measure was enjoined and directed, professedly for the purpose of "improving the working of the Sudder Court," and it was extended in the manner above explained, at the recommendation of the Court, for the purpose of rendering the opinions of the Court available to the native judicial officers for their guidance. Whether the measure was necessary for the purpose first stated, or whether that purpose has been accomplished, it would be of no practical utility to enquire; but the one fact is certain, that much more labor is thrown upon the printing establishment, and much more expense upon the Government, than there is any occasion for. The decisions of the Court, which may be of service as judicial precedents, determining some doubtful point of law, or establishing some important rule of practice, or explaining and asserting the binding nature of some usage, either general or local, are those only which in the opinion of the Court should be printed. At any rate, those above indicated are those only which can be useful as guides to the lower Courts. It should also be observed, that the same points frequently form the grounds of appeal to the Sudder Dewanny Adawlut, and will, it is to be presumed, be generally determined in the same manner. The publication of several judgments, ruling the same points in the same manner, can be of no utility, whether its effect on the working of the Sudder Dewanny Adawlut, or of the lower Courts be considered; and the Court would therefore take this opportunity of recommending that those judgments only in future be published which may be passed by the Court at large or by a majority of the Court, and that these even be selected with reference to their

The publication of the English decisions of Sudder Dewanny Adawlut was commenced on 1st May, 1846, and the publication of a vernacular version subsequently sanctioned.

but the Court think, for reasons stated, that a more useful collection of precedents might be compiled by publishing only selected cases.

* Circular Order, dated 12th February last, No. 106, and published in *Gazette* of 2nd March, 1847, No. 9, page 94.

supposed usefulness as judicial precedents. The Court would not be understood to offer any objection to the publicity which is now given to all their decisions, nor would they oppose the extension of the same rule to summary cases and Criminal trials of importance, did the other duties of the Register and his limited establishment leave him leisure for the compilation of the reports of such cases; but they desire to assert, that, with much less labor and expense a more useful collection of precedents might be produced. The Register, I am desired to add, has undertaken to prepare indexes to the volumes of the Court's decisions, as they are completed, which, when the number of volumes is increased, may be re-arranged under proper headings and collectively printed.

The Register has engaged to prepare an index.

111. Another subject, which, as the Government are aware, has occupied much of the Court's attention since the date of their last Report, is the mode of bringing suits for property in land in coparcenary estates. The views of all the Zillah Judges and the opinion of the Court were laid before Government with my letter, No. 499, dated 30th March last, and a draft of the instructions, which the Court propose to issue, in modification of Circular Order, No. 208, dated 24th June, 1842, and in order to remedy the evils which were reported to have resulted from its operation, is now before the Government.

The mode of bringing suits for land in coparcenary estates has engaged the attention of the Court.

and the draft of Circular Order on the subject is before Government.

112. The publication of the correspondence, referred to below, may be useful, as ruling, the first* (vide Appendix D) that the order rejecting an application for special appeal must be taken to uphold the decision of the lower Court in respect to those points which are legally ground for special appeal, and have been pleaded in the Sudder Dewanny Adawlut, and the second† (vide Appendix E) that the admission of an appeal, whether regular or special, is under the law a bar to review of the judgment from which such appeal may have been preferred. A legislative enactment has been proposed to prevent the injustice which may, in the opinion of the Court, be the consequence of this latter restriction.

Certain correspondence is published in the Appendices for general information.

I have the honor to be, Sir,

Your most obedient servant,

G. F. EDMONSTONE,

Register.

Agra, the 22nd June, 1847.

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* My letter to Calcutta Court, No. 782, dated 25th May, 1846.
Reply from Calcutta Court, No. 914, dated 19th June.

† To Calcutta Court, No. 1283, dated 28th July, 1845,
From Calcutta Court, No. 1366, dated 5th September, 1845.
To Calcutta Court, No. 74, dated 21st January, 1846, with annexure.

LIST OF ORIGINAL ENCLOSURES.

No. 1,	Letter from	the	Judge of Delhie, ...	... ...	No. 32,	dated 20th	March,	1847.
No. 2,	,,	ditto	Offg. Judge of Seharunpoor,	... ...	No. 9,	dated 5th	Feby.,	1847.
No. 3,	,,	ditto	Judge of Meerut, ...	... ...	No. 29,	dated 29th	March,	1847.
No. 4,	,,	ditto	Judge of Allygurh, ...	... ...	No. 19,	dated 20th	May,	1847.
No. 5,	,,	ditto	Offg. Judge of Mooradabad,	... ...	No. 8,	dated 15th	Feby.,	1847.
No. 6,	,,	ditto	Judge of Bareilly, ...	... ...	No. 39,	dated 6th	May,	1847.
No. 7,	,,	ditto	Judge of Agra, ...	... ...	No. 48,	dated 30th	March,	1847.
No. 8,	,,	ditto	Judge of Furruckabad,	... ...	No. 29½,	dated 3rd	April,	1847.
No. 9,	,,	ditto	Offg. Judge of Mynpoorie,...	... ...	No. 125,	dated 10th	May,	1847.
No. 10,	,,	ditto	Judge of Cawnpoor,...	... ...	No. 92,	dated 13th	April,	1847.
No. 11,	,,	ditto	Judge of Cawnpoor,...	... ...	No. 107,	dated 28th	April,	1847.
No. 12,	,,	ditto	late Offg. Judge of Futtehpoor,	... ...	No. 4,	dated 29th	Jany.,	1847.
No. 13,	,,	ditto	Judge of Bundelkund,...	... ...	No. 58,	dated 2nd	June,	1847.
No. 14,	,,	ditto	Judge of Allahabad, ...	... ...	No. 4,	dated 29th	Jany.,	1847.
No. 15,	,,	ditto	late Judge of Goruckpoor,	... ...	No. —,	dated 12th	July,	1847.
No. 16,	,,	ditto	Offg. Judge of Azimgurh, ...	... ...	No. 1,	dated 9th	Jany.,	1847.
No. 17,	,,	ditto	Judge of Jounpoor, ...	... ...	No. 13,	dated 6th	Feby.,	1847.
No. 18,	,,	ditto	Judge of Mirzapoor, ...	... ...	No. 62,	dated 21st	June,	1847.
No. 19,	,,	ditto	Judge of Benares, ...	... ...	No. 40,	dated 26th	Feby.,	1847.
No. 20,	,,	ditto	Judge of Ghazeepoor,	... ...	No. 8,	dated 15th	Jany.,	1847.
No. 21,	,,	ditto	Commr. of Kumaon, and 2 Encls.,		No. 14,	dated 10th	March,	1847.
No. 22,	,,	ditto	Judge of Simla, ...	... ...	No. 16,	dated 11th	Feby.,	1847.

G. F. EDMONSTONE,

Register.

APPENDIX A.

No. 697 OF 1846.

To B. J. COLVIN, ESQUIRE,

Offg. Register of the

Sudder Dewanny Adawlut,

FORT WILLIAM.

S. D. A. N. W. P.

Present:

G. P. Thompson, C. R. Cartwright, Esqrs. *Judges.*
and
A. W. Begbie, Esquire, *Offg. Judge.*

SIR,

I am directed to forward copies of the letters particularized below* for submission to the Calcutta Court, and for an expression of their sentiments on the question at issue.

2. It will be observed, that Mr. C. Lindsay, during the period of his incumbency in the Judgeship of Dehlee, in an official proceeding, declared judgment debtors to be liable to arrest "at all times whether of the day or night, as well as on any day whether a Hindoo or "Moosulman Festival or not," and that his *locum tenens*, holding the practice thus established to be objectionable, has solicited the interposition of the Court's authority for its abandonment.

3. Were the Judges of this Court, as at present constituted, unanimous in their opinion, they would refrain from troubling the Calcutta Court with this reference, but as the fact is otherwise, and as the question is not altogether without interest or importance, they deem it better to invite an expression of the Calcutta Court's opinion.

4. The majority of this Court, admitting that no writ can issue during the recognized vacations, contend that during those periods there is no objection, legal or other, to the execution of a writ, which may have issued prior to their commencement, by the arrest of the debtor. In such a case, the Zillah Judge or other judicial authority would be competent to direct the confinement of the debtor's person, as he would be compelled to pass an order for the release of a confined debtor, if, within the period of the Court's adjournment, the plaintiff should neglect or refuse to pay the prescribed allowance for his subsistence, or any other circumstances, entitling him to claim his liberation, should arise.

5. Mr. Begbie differs with his colleagues, being of opinion that, as during the authorized holidays, the operations, or rather the functions of the Civil Courts are suspended, they cannot properly cause the execution of any process of arrest during their continuance.

I have the honor to be, &c.,
G. F. EDMONSTONE,
Register.

Agra, the 9th May, 1846.

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* From Officiating Judge of Delhee, No. 598, dated 21st October, 1845, with English enclosures.
To Officiating Judge of Delhee, No. 1810, dated 10th November, 1845.
From Officiating Judge of Delhee, No. 43, dated 30th ultimo.

No. 818.

To G. F. EDMONSTONE, Esquire,

Register to the Court of

Sudder Dewanny Adawlut,

FOR THE N. W. PROVINCES,

AGRA.

S. D. Adawlut.

Present:

R. H Rattray, C. Tucker, J. F. M. Reid and A. Dick, Esquires.

Judges.

SIR,

I am directed by the Court to acknowledge the receipt of your letter, No. 697, dated the 9th instant, and to state in reply, that they concur with the majority of the Western Court that a writ, duly issued, may be executed on any day whether the same be a Hindoo or Mahomedan holiday or not.

2. The Court observe that the Western Court say nothing as to executing writs in the night, nor do the Regulations lay down any rules on this point. By the law of England, Sunday alone is excepted, and an arrest by night is as lawful as by day.

I have the honor to be, &c.,

B. J. COLVIN,

Officiating Register.

Fort William, the 5th June, 1846.

APPENDIX B.

No. 28.

FROM H. H. THOMAS, Esquire,

Judge of Bareilly,

To G. F. EDMONSTONE, Esquire,

Register Sudder Dewanny Adawlut,

AGRA.

SIR,

At the request of Mr. Ledlie, the Principal Sudder Ameen, I have the honor to submit to the consideration of your Court, copies of vernacular proceedings and of his English letter, on the subject of requiring a pauper plaintiff to pay Tulubana to the chuprasee deputed with

a notice to the defendant, in order that the latter might prefer his objections to the suit being brought *in formâ pauperis.*

2. Mr Ledlie's arguments are not without their force: nevertheless, I must observe, that Regulation XXVIII. of 1814 by no means requires that witnesses shall be summoned or that a notice shall be served on the defendant in all instances, though the practice seems to have become general. After a pauper has deposed on oath or solemn declaration, he has an option granted him, should his witnesses be required, either of producing them himself or of paying the chuprasee sent to cause their attendance; but it appears to me somewhat unreasonable to make him pay for the notice served on the defendant, invited thereby to come to Court and throw discredit on his alleged pauperism. Indeed, I cannot understand how the charges for such notice, which it is discretional with the Court to serve, can legally be demanded from the plaintiff, whose business it is to prove his statements, not to facilitate their refutation.

I have the honor to be, &c.,

(Signed) H. H. THOMAS,
Judge.

Bareilly, Judge's office,

The 14th May, 1846.

To H. H. THOMAS, Esquire,
Judge of Bareilly.

Sir,

I have the honor to acknowledge the receipt of your proceeding, dated the 18th ultimo, in reply to my roobakaree of the 9th idem. As your order appears to me to be illegal and open to serious objection, and as it is to be a permanent rule of practice, I shall esteem it a favor if you will submit this reference for the consideration and orders of the superior Court.

In my roobakaree of the 9th ultimo, I argue that when a party representing himself to be a pauper, applies to the Court under Regulation XXVIII. of 1814, and his pauperism is made the subject of inquiry, he is presumed by the law to be a non-pauper, and that he is only then a legal pauper, when he is legally admitted as such. For, if his indigence is to be assumed, for what purpose is the enquiry? On this ground, I argued that should the Court at its discretion deem it requisite to call upon the adverse party to shew cause why the pauperism should not be admitted, the party claiming to be a pauper is bound to pay the tullubana necessary for the issue of the notice.

I also attempted to shew the analogy which existed between applicants claiming to be paupers and plaintiffs in regular suits claiming right of property. In the latter case, the plaintiff is under an obligation to give notice to his adversary, and by parity of reason, in the former the applicant ought to warn the party who is to be affected by his pauperism.

It may be objected that to require a pauper to pay these charges is to require impossibilities. But this is a begging of the question, and assuming a fact which the law declares shall not be assumed, and is not yet proved, for the pauperism of the applicant is the very fact which requires to be proved.

Should it be said that when the applicant makes oath he is a pauper, he ought on his oath to be admitted as such, I reply that this would be sound reasoning if there were any thing in the nature of an oath to direct truth in every case; but that such is not the fact, universal experience and Section 4, Regulation XXVIII. of 1814 declare.

Act No. 9 of 1839 applies exclusively to regular suits, and is irrelevant to this discussion and the previous rules and practice, I mean correct practice, in investigations under Regulation XXVIII. of 1814 continue in force. The spirit of those rules and practice is that applicants to be admitted as paupers shall be liable to stamp duty and all other charges, except when expressly exempted by law, like other parties, up to the point when his pauperism is admitted by the Court.

If my view be incorrect, I would humbly ask at what stage of the investigation is the self-called pauper to be considered such? The simple question is, pauper or not pauper?

When I took charge of this Court, the chuprasees paid by Government on the Judge's establishment were available for the execution of processes in pauper cases transferred by the Judge to this Court. That practice has been prohibited, and the whole weight of the work in pauper cases and pauper regular suits is thrown on two unfortunate men (the only two paid men on this establishment), who, the moment they return from a long journey, are sent on a similar errand, while the Court is daily importuned with complaints of delay in the issue of process.

That I am not magnifying the hardships of these men, and the delay and inconvenience in the despatch of business, occasioned by the prohibitory order, the records of this Court testify.

Your order aims to provide against this objection by directing the employment of muzkooree peons in pauper cases without repayment of the tullubana. I have always held the maxim that a Court of law ought never to pass an order which it cannot enforce. But should the muzkooree peon decline to go on the Court's errand, I would ask by what law is obedience to be enforced? To request compliance as a favor would be beneath the dignity of the Court; to compel him to work on credit would be unjust and in direct contravention of Clause 6, Section 14, Regulation XXVI. of 1814.—You direct that the charges shall be eventually paid by the party cast. This is assuming that the indigence of the applicant will be proved as a matter of course; but allow me to suppose the reverse, viz. that the applicant's petition is rejected, whence, in such case, is the tulubanah to come? from the applicant? this surely cannot be meant; for if he is able to pay after his case is decided he was able to pay before that event. He has, moreover, every inducement not to pay now. Before he knew the result of his application, he had hopes of recovering his charges, now he is certain that whatever he pays he loses for ever.

The law, the practice sanctioned by law, and reason appear to me to require that there shall be no distinction but pauper or not pauper; and that he only is a pauper who is admitted to be such by the Court, I consider to be the true principle. I also think that while all the pauper cases are transferred to this Court by the Judge—and they are not small in number—reason, equity and expediency suggest that this Court should receive all the aid and assistance from the Judge's establishment which it is capable of affording, or that additional allowance should be awarded to this Court for the appointment of additional paid peons, as the surplus (after paying the salaries of the amla) of the present allowance is only sufficient to pay for stationery, making boxes, &c., for the records, and other contingencies.

If, happily, I have placed the case in such a point of view as to convince you of the justice and reasonableness of my observations, I shall be glad; if not, I trust you will not

refuse me the favor of referring the case to the superior Court with such remarks as you may deem proper to append.

For the purpose of securing the object of your order, viz. the exemption from prepayment of tullubanah, and of avoiding a breach of the law, I have directed the payment of the tullubanah in the cases contemplated to be made from the registry fees when the surplus funds of the Court fail, until this question is set at rest.

I have the honor to be, &c.,
J. P. LEDLIE,
Principal Sudder Ameen.

Bareilly, the 7th May, 1846.

(True copy.)
(Signed) H. H. THOMAS,
Judge.

S. D. A. N. W. P.
Present:
G. P. Thompson, C. R. Cartwright, *Judges,* Esqrs.
and
A. W. Begbie, Esquire,
Offg. Judge.

No. 876 OF 1846.

To H. H. THOMAS, ESQUIRE,
Judge of Bareilly.

SIR,

I have the honor to inform you that your letter, No 28, dated 14th ultimo, with its enclosure from the Principal Sudder Ameen of Bareilly, relative to the propriety or otherwise of requiring a person, desirous of suing *in formâ pauperis,* to pay the tullubana of the chuprasee deputed to serve notice on the adverse party under the provisions of clause 6, section 5, Regulation XXVIII. of 1814, has been brought under the consideration of the Court.

2. In reply, I am directed to state that, in the opinion of the Court, no person is in the eye of the law a pauper, until his indigence have been proved and admitted by the Court in which he desires to institute his suit, or to which the duty of enquiring into the alleged pauperism may have been committed, and that, therefore, if the Court, under the discretion vested in it by clause 6, section 5, Regulation XXVIII. of 1814, think fit to issue a notice to the adverse party, the expense of serving it must be defrayed by the petitioner.

3. The Court admit, that in the majority of cases it may be unnecessary to serve a notice on the adverse party, but it is no more unreasonable to require the petitioner to pay for such a notice (should the Court in its discretion see fit to issue it) than it is to call upon the plaintiff in a regular suit to defray the charge of serving a notice on the defendant, the object in both cases being not identical, but bearing so close affinity the one to the other, as to render any distinction impracticable; in the one case, the adverse party is invited to throw discredit on the alleged pauperism of the petitioner—in the other the defendant is allowed an opportunity of refuting the claim of the plaintiff.

4. You are requested to communicate the foregoing remarks to Mr. Ledlie.

I have the honor to be, &c.,
(Signed) G. F. EDMONSTONE,
Register.

APPENDIX C.

No. 254.

FROM THE JUDGE OF BENARES,

TO G. F. EDMONSTONE, ESQUIRE,

Register to the Sudder Dewanny Adawlut,

N. W. Provinces.

AGRA.

Sheolal, &c. Pleaders, Petitioners,
versus
Ameer Ali, and others Pleaders, other parties.

SIR,

With reference to the Court's proceedings in the case noted in the margin, I take the liberty to submit for the Court's favorable consideration, the copy of a petition received from the pleaders of my Court, praying for divers reasons set forth in the petition to be allowed as heretofore to plead in the Court of the Principal Sudder Ameen, a privilege which the pleaders of Allahabad, Ghazeepoor, Jounpoor, Mirzapoor and Goruckpoor, I believe, enjoy. The restriction will, I think, operate unfavorably in regard to the interests of the community on account of the superior intelligence of the pleaders attached to this Court.

I have the honor to be, &c.,

(Signed) J. T. RIVAZ,

Judge.

Dewanee Adawlut,
City Benares,
The 3d December 1846.

No. 10 OF 1847.

TO J. HAWKINS, ESQUIRE,

Register Sudder Dewanny Adawlut,

FORT WILLIAM.

S. D. A. N. W. P.
Present:
B. Tayler, G. P. Thompson, and C. R. Cartwright, *Judges.* Esquires.

SIR,

I am directed to enclose for submission to the Judges of the Calcutta Court, copy of a letter* from the Judge of Benares, and to solicit an expression of their opinion as to the legality of the vakeels attached to the Judge's Court being allowed to practise also in that of

* No. 254, dated 3d December, 1846.

the Principal Sudder Ameen. The majority of this Court contend, that the exposition of the law, given in the accompanying extract (paragraph 7) from my letter, No. 771, dated 30th April, 1844, is correct, and desire to maintain the rule which it prescribes, but Mr. Cartwright differs from his colleagues, and considers that the provisions of clause 3, section 18, Regulation V. of 1831 supersede all preceding enactments on this point, and that a Zillah Judge is competent to authorize any or all of the vakeels, attached to his Court, to practise in the Court of the Principal Sudder Ameen as well as in his own.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 4th January, 1847.

Extract (paragraph 7) from Court's letter, No. 771, dated 30th April, 1844, to the address of the Judge of Benares.

Para. 7. There is yet another point in Mr. Campier's address, which is worthy of consideration, and the determination of which will tend much to facilitate the dispatch of business, and obviate the frequent postponement of cases owing to the absence of the authorized pleaders of the litigants. The Court are clearly of opinion, on a consideration of the law, that it never contemplated the indiscriminate admission of vakeels to practise in the Judge's as well as the Principal Sudder Ameen's Courts; section 72, Regulation XXIII. of 1814 declares that "the Judges of the several zillahs and cities shall *assign* to the Court of each Sudder Ameen such a number of the authorized vakeels, as may appear necessary;" section 16, Regulation XXVII. of 1814 expressly enacts that "the vakeels attached to one Court "are not to be allowed to plead in any other Court," reserving an option to the Judge to make "such an *allotment* and *distribution* of the pleaders attached to their Courts," as may from time to time appear convenient; and by clause 3, section 18, Regulation V. of 1831, the Judges are declared competent to "authorize" any of the vakeels of their Courts to practise in the Court of the Principal Sudder Ameen. The whole train of legislation appears to be consistent in regarding the vakeels of the Judge's Court as vakeels also of the Principal Sudder Ameen's and Sudder Ameen's Courts, and in directing the separate *assignment* or *allotment* of a certain proportion of those vakeels to the Courts of the Principal Sudder Ameens and Sudder Ameens; Mr. Campier's suggestion is certainly worthy of adoption, if its expediency only be regarded, and seems only consonant with the intent and rational construction of the law, as it at present exists.

No. 144.

To G. F. EDMONSTONE, Esquire,

Register to the Sudder Dewanny Adawlut,

for the North Western Provinces,

Agra.

Sir,

S. D. A.
Present:
R. H. Rattray,
C. Tucker,
J. F. M. Reid and
A. Dick,
Judges.
} Esquires.

I am directed by the Court to acknowledge the receipt of your letter, No. 10 of the 4th instant, and to state, for the consideration of the Western Court, that Construction 802 ruled that vakeels of the Principal Sudder Ameen's and Sudder Ameen's Courts are in fact vakeels of the Judge's Court. The pleaders of those Courts may therefore be legally allowed to practise indiscriminately in the Courts of the Judge and Principal Sudder Ameen; and by this Court it has frequently been allowed. The Court are of opinion however that, as a general rule, pleaders should be permitted to practise in those Courts only to which they have been nominated. This rule is promulgated in this Court's Circular No. 124, Volume III.

I have the honor to be, &c.,

J. HAWKINS,

Register.

Calcutta, the 29th January, 1847.

No. 262 of 1847.

To J. HAWKINS, Esquire,

Register Sudder Dewanny Adawlut,

Fort William.

Sir,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, and
C. R. Cartwright,
Judges.
} Esquires.

I am directed to acknowledge the receipt of your letter, No. 144, dated 29th January last, and in reply to observe, that in the extract appended to my address, No. 10, of the 4th idem, it is plainly admitted and declared, that vakeels of the Principal Sudder Ameen's and Sudder Ameen's Courts are in fact vakeels of the Judge's Court, and no reference to Construction No. 802 was necessary to convince the Court of this fact. The object of the Court's enquiry was to elicit an opi-

nion from the Calcutta Court as to the legality of pleaders, who, under the "allotment and distribution" contemplated by section 16, Regulation XXVII. of 1814 may have been assigned to the Principal Sudder Ameen's Court, practising at the same time, during the continuance of the same "allotment and distribution," in the Judge's Court. It is inferrible from the tenor of your letter, that the Calcutta Court would answer the above enquiry in the affirmative, but in that case it is difficult to perceive the utility of such "allotment and distribution" at all: the law declares that such allotment and distribution shall be made by the Zillah and City Judges "on a consideration of the Civil business in their own Courts, and in those of their Registers and the Sudder Ameens," and by implication, therefore, directs, that the income of business in those Courts respectively shall regulate the number of practising pleaders to be assigned to each; but what becomes of this nicely balanced distribution, if the pleaders nevertheless are permitted, without any reference whatever to the state of business in one Court, to practise at the same time in another? Of course the Judge is at liberty to vary the "distribution" from time to time, but, so long as the distribution remain undisturbed, it must be binding on the pleaders affected by it, and prevent their practising in any other than the Courts, to which they may have been respectively nominated.

2. The *expetliency* of this restrictive rule is recognized by the Calcutta Court in the 2nd paragraph of their Circular Order, No. 124, dated 18th December, 1840, wherein it is stated, "that pleaders should be *permitted to plead* only in those Courts, to which they have "been respectively nominated;" but, if indiscriminate practice in the Courts of the Judge and Principal Sudder Ameen is not illegal, then it cannot be prohibited, nor can the prohibition be enforced. This Court do not desire to adopt this Circular Order, which, while it recognizes one course of proceeding as that laid down by the law, indicates, almost enjoins another, as being recommended by expediency, but they desire to have one uniform practice declared and enforced: if notwithstanding the "allotment and distribution" contemplated by section 16, Regulation XXVII. of 1814, it be lawful for pleaders, assigned under that "allotment and distribution" to the Principal Sudder Ameen's Court, to plead likewise *during its continuance* in the Judge's Court, the Court would notify accordingly, and withdraw every obstacle to the enjoyment of a privilege which is allowed by the law; if on the other hand this privilege of indiscriminate practice be not countenanced by the law, without an alteration of the "allotment and distribution" above referred to for good and sufficient reason, they would strictly enforce its provisions in this, as they are disposed to do in every other respect.

3. Mr. Cartwright, although he still adheres to his own view of the law, as described in my letter, No. 10, dated 4th January last, concurs with his colleagues in the opinions set forth in the preceding paragraph, and joins with them in opposing any evasion of the law on grounds of expediency.

4. You are requested to favor me with the opinion of the Calcutta Court on this question, as detailed above, at your earliest convenience.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 9th March, 1847.

No. 470.

To G. F. EDMONSTONE, Esquire,

Register of the Sudder Dewanny Adawlut for the N. W. P.,

Agra.

Sir,

S. D. A.
Present:
R. H. Rattray,
C. Tucker and
A. Dick,
Judges.
} Esquires.

I am directed to acknowledge the receipt of your letter, No. 262, dated 9th instant, and to express their regret that their reply, No. 144 of the 29th January last to the Western Court's letter, No. 10, of the 4th idem, should have been unsatisfactory to the Western Court, especially as this Court fear they cannot give one to their more recent communication on the same subject, which will prove more satisfactory.

2. I am desired to say that this Court do not by any means advocate the indiscriminate employment of vakeels in several Courts at once, to the detriment of public business, and that the "allotment and distribution" having been made, they would as a general rule, enforce it, confining the pleaders in their practice to the Court to which they been allotted. This is the rule of the Circular No. 124 of the 18th December, 1840, and the Court have no desire to alter it. In some instances however the state of the business has been no bar to the indiscriminate practising of the pleaders in the Courts both of the Judge and Principal Sudder Ameen, and this Court have then sanctioned it, on the application of the Zillah Judge. They consider such a proceeding to be perfectly legal, and in this respect they concur with Mr. Cartwright.

3. The Western Court imply in the 3rd paragraph of your letter that this Court are advocating an evasion of the law on grounds of expediency. The Court however would observe that expediency is that which legally regulates the course of procedure in this matter. It is expediency which admits the indiscriminate practising of pleaders in both Courts, and expediency which suggests the allotment and distribution of them between the Courts. The question is one of detail, greatly dependent upon what is expedient. The law has so left it, and the Court therefore do not think that while they recognize in the determination of the question the expediency which the law sanctions, they are justly chargeable with "evasion of the law on grounds of expediency."

4. As to the question put by the Western Court in regard to the legality of pleaders, who, under the "allotment and distribution" contemplated by section 16, Regulation XXVII. of 1814, may have been assigned to the Principal Sudder Ameen's Court, practising at the same time during the continuance of the *same* "allotment and distribution" in the Judge's Court, this Court can scarcely understand how the question should arise. That a Judge should consider an allotment and distribution necessary and required by the state of business, and still allow a practice to prevail in contravention of such allotment and distribution, involves an inconsistency, for which they have had yet no occasion to prescribe any rules in the districts under their jurisdiction. The Court can only answer the question of the Western Court by referring to the case of any particular suit, which, during the continuance of an allotment and distribution as above, may have been carried on in the Judge's Court by a pleader allotted to the Court of the Principal Sudder Ameen; as the vakeel of the Principal Sudder Ameen's Court is in fact a vakeel of the Judge's Court, as held by both

Courts in Construction No. 802, this Court do not consider such a proceeding to be absolutely illegal, inasmuch as they do not think that by it the proceedings and judgments in the case would be vitiated or set aside upon that ground as nullities. The allotment is in the hands of the Judge himself; it proceeds upon expediency, and if the Judge permits a departure in any case from his own rule of allotment, the Court cannot say that he acts *illegally*. It is a temporary or partial abeyance of his own rule, within his own competency, but not an illegal act.

I have the honor to be,

J. HAWKINS,

Register.

Fort William, the 26th March, 1847.

No. 510 OF 1847.

To J. T. RIVAZ, ESQUIRE,

Judge of Benares.

SIR,

S. D. A. N. W. P.
Present:
B. Tayler, G. P. Thompson, Esqrs. *Judges.*
and
A. W. Begbie, Esquire, *Offg. Judge.*

In continuation of my letter, No. 11, dated 4th January last, I am directed to forward for your information copy of the correspondence, which has ensued with the Calcutta Court on your reference regarding the vakeels of your Court practising in the Court of the Principal Sudder Ameen, and to inform you, that this Court have determined to abide by their own construction of the law.

To Calcutta Court, No. 10, dated 4th January, 1847.
From Calcutta Court, No. 144, dated 29th idem.
To Calcutta Court, No. 262, dated 9th ultimo.
From Calcutta Court, No. 470, dated 26th idem.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 17th April, 1847.

APPENDIX D.

No. 782 of 1846.

To B. J. COLVIN, Esquire.

Offg. Register Sudder Dewanny Adawlut,

Fort William.

Sir,

S. D. A. N. W. P.
Present:
G. P. Thompson, C. R. Cartwright, Esquires. *Judges.*
and
A. W. Begbie, Esquire, *Offg. Judge.*

Mr. Tayler, before his departure on leave of absence, proposed for the consideration of his colleagues the following question: "Is the rejection of a petition for special appeal to be regarded as upholding the decree of the lower Court on any point of law ruled in such decree?" The intention at first entertained of inviting the opinion of the Calcutta Court on the point was abandoned for reasons, which it is unnecessary to explain, and is now only carried into effect, because the Hon'ble the Lieut. Governor has expressed a wish to be made acquainted with the result of the discussion, which this Court in a communication to Government proposed to initiate.

2nd. This Court, as at present constituted, are clearly of opinion that Mr. Tayler's question must be affirmatively answered, with this qualification, that the legality of the lower Court's decision in regard to those points only which are legally ground for a special appeal, and on which the particular application may be founded, is affirmed by its rejection; such rejection declares by implication either the insufficiency under the law of the pleas urged for the admission of a special appeal, or the non-existence, in the lower Court's decision, of the supposed illegality, or irregularity, which forms ostensibly the ground of the special appeal, and by so doing virtually confirms that decision in so far as it refers to any point of "law, or usage having the force of law, or some practice of the Courts," which may have been put forward in the petition of special appeal. This, however, is the utmost limit to which the order, rejecting an application for special appeal, can be construed to extend; it cannot of course be held to uphold constructively such parts of the lower Court's judgment, as relate to the determination of facts or even to points of law, usage, or practice, not set forth in the petition of special appeal.

3rd. I am desired to request that you will lay the foregoing observations before the Judges of the Calcutta Court, and favor me with a communication of their opinion on the point, to which they have reference.

4th. A copy of the minutes placed on record by Messrs. Tayler and Cartwright, is annexed to this address.

I have the honor to be, &c.,

G. F. EDMONSTONE,
Register.

Agra, the 25th May, 1846.

No. 914.

To G. F. EDMONSTONE, Esquire,

Register of the Sudder Dewanee Adawlut for the N. W. P.,

Agra.

S. D. A. N. W. P.
Present:
R. H. Rattray,
C. Tucker,
J. F. M. Reid,
and
A. Dick,
Esquires.
Judges.

Sir,

I am directed by the Court to acknowledge the receipt of your letter No. 782 of the 25th ultimo, and to express their concurrence in the view taken by the Western Court of the point in question.

I have the honor to be, &c.

B. J. COLVIN,

Register.

Fort William, the 19th June, 1846.

APPENDIX E.

No. 1283 of 1845.

To B. J. COLVIN, Esquire,

Officiating Register Sudder Dewanny Adawlut,

Fort William.

Sir,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson,
and
J. Davidson,
Esquires.
Judges.

I am directed to annex, for submission to the Judges of the Sudder Dewanny Adawlut in Calcutta, copy of a letter, No. 147, dated 28th ultimo, from the Judge of Cawnpoor, and to solicit an expression of their opinion on the subject, to which it relates.

2nd. Mr. Speirs enquires, whether he can authorize the Principal Sudder Ameen to review a judgment, from which an appeal has been preferred, and, on default of the appellant, dismissed under the provisions of Act XXIX. of 1841.

3rd. The question appears to the Court one, which it is desirable to have definitively determined, with reference not only to its intrinsic importance, but to its analogical bearing upon another point of judicial practice.

4. Clause 2, section 4, Regulation XXVI. of 1814 enacts that, " any persons considering themselves aggrieved by a decree passed in a regular Civil suit or appeal by a Zillah " city or provincial Court, from which decree *no further appeal* may have been admitted by a " superior Court, and who, from the discovery of new matter or evidence which was not within " their knowledge, or could not be adduced by them at the time when the decree was passed " &c., may be desirous of obtaining a review of the judgment passed against them, are at " liberty to present a petition for this purpose *to the Court*, in which the *decree* in question " *may have been passed.*" In this passage two distinct conditions seem to be implied; the one, that from the decree, of which revision is sought, no appeal shall have been admitted; the other, that the application shall be addressed to the Court, by which the said decree may have been passed. Adverting to these provisions this Court are of opinion, that in the case which forms the subject of Mr. Speirs' reference, the defendant B. is debarred the privilege of a review of the judgment, passed by the Court of first instance, inasmuch as an appeal from that judgment has been " admitted," and further that the subsequent dismissal of his appeal deprives him of all legal redress, unless indeed the " fact of default" be questioned, and a review on that point alone be sought.

5. If this be, as this Court conceive, the true construction of the law, it is not difficult to foresee much practical injustice from its operation: the appeal not having been decided on its merits, there can be no ground for reviewal of the decree passed by the appellate Court, and yet subsequently new matter may have been discovered, or opportunity for its adduction have offered, or other sufficient reason have arisen, of a nature to render the justice and propriety of the original judgment a matter of question. In like manner, the Court observe, subsequent to the admission, or even the determination of a special appeal, cause may be shewn for doubting the correctness of the lower Court's judgment on the *facts* of the case, of which the special appellate Court can take no cognizance, and it then becomes, as in the case of a regular appeal dismissed on default, a question, how redress, or rather a judgment on the newly discovered matter, is to be obtained. For these contingencies there is no provision in law, and it may be argued in the case of default, that the appellant suffers merely from the consequences of his own laches, and that no legislative remedy is needed. In the instance of a special appeal there is this distinction, that the subsequent discovery or adduction of new matter need not necessarily, and would not in many cases, vitiate the judgment passed on such special appeal, while it *would* afford ground for a re-consideration of, and a new decision, on the *facts*, and the failure to adduce that matter on the original suit or regular appeal might not, as in the case of default, be ascribable to the neglect of the party desirous of obtaining a review of judgment.

6. The Court have instructed me to bring the question in all its bearings to the notice of the Calcutta Court, and to solicit an expression of their opinion, not only on the point referred by the Judge of Cawnpoor, but on the analogous contingency, which its consideration has suggested, and, on the expediency or otherwise of seeking from the Legislative Council some sufficient remedial provision.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 28th July, 1845.

No. 1366.

To G. F. EDMONSTONE, Esquire,

Register to the Sudder Dewanny Adawlut,

North Western Provinces,

Agra.

Sir,

S. D. A.
Present:
R. H. Rattray,
C. Tucker,
J. F. M. Reid, and
A. Dick,
Esquires.
Judges.

I am directed by the Court to acknowledge the receipt of your letter, No. 1283 of the 28th July last, and to reply thereto as follows:

2. With regard to the case which formed the subject of Mr. Speirs' reference, the majority of this Court coincide in opinion with the Western Court, that the review of judgment was barred by the circumstance of an appeal having been admitted. Mr. Dick, however, takes the law cited by you to mean only that no review can be granted, if the case be at the time pending in appeal; and observes that if the appeal be dismissed on default, the original decision remains in *statu quo*, and the right to review reverts to the lower Court.

3. On the further question referred for this Court's opinion, and which forms the subject of paragraph 5 of your letter, Mr. Dick argues that there can be no difficulty in solving it; inasmuch as the facts of the case were never before the appellate Court, and, therefore, if the judgment on them be questioned, a review of it can always be obtained. His colleagues, on the other hand, in their adoption of the above construction of law in concurrence with the Western Court, consider also in unison with them that there is want of some legislative provision to remedy injustice from the operation of the law as it now stands. They accordingly propose that it should be recommended to Government to refer for the consideration of Legislative Council, the propriety of allowing a review of the decision of the lower Court, even after a regular appeal from it, if such has been dismissed on default; and also after the determination of a special appeal, which, under the present law, does not allow of any judgment being pronounced on the facts of a case.

I have the honor to be, &c.,

B. J. COLVIN,

Offg. Register.

Fort William, the 5th September, 1845.

No. 74 OF 1846.

To B. J. COLVIN, ESQUIRE,

Officiating Register Sudder Dewanny Adawlut,

FORT WILLIAM.

SIR,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, *Judges*, and
C. R. Cartwright, *Offg. Judge.*
} Esquires.

In compliance with the request, conveyed in your letter, No. 1873, dated 19th ultimo, I am desired by the Court to annex, for submission to the Legislative Council with such remarks or emendations as the Calcutta Court may deem advisable, the draft of an Act for amending the law concerning reviews of judgment.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 21st January, 1846.

Draft of a proposed Act for amending the Law concerning reviews of judgment.

Whereas under the existing Regulations the admission of a regular appeal is held to bar review of the judgment recorded in the Court of first instance, and whereas, in the event of such regular appeal being dismissed on default, or without an investigation into the merits, new matter or evidence subsequently discovered cannot be made available: and whereas the admission of a special appeal from the decision of a Judge or Principal Sudder Ameen in regular appeal is held similarly to bar reviewal of that decision, notwithstanding that the determination of such special appeal is irrespective of the *facts* on which the aforesaid decision of the Judge or Principal Sudder Ameen must rest, and whereas much practical injustice may result from the operation of the existing law, as above recited.

1. It is hereby enacted, that such part of clause 2, section 4, Regulation XXVI. of 1814, as provides that those decrees only, from which no appeal may have been admitted by a superior Court, shall be open to review on the adduction of new matter or evidence subsequently discovered, or on other good and sufficient ground, be modified.

2. And it is hereby enacted, that, whenever a regular appeal from the decree of a Court of primary jurisdiction, shall have been dismissed on default, or without an investigation of the merits, it shall nevertheless be lawful for such Court of primary jurisdiction to admit an application for review of the decree passed in the original suit, provided the party, considering himself aggrieved by such decree, shall satisfy the Court, that, owing to the discovery of new matter or evidence, which was not within his knowledge, or could not be adduced by him at

the time when the decree was passed, or owing to any other good and sufficient cause, such review is requisite for the ends of justice, or necessary to correct an evident error or omission in the decree of which revision is sought.

3. And it is hereby enacted, that neither the admission nor the determination of a special appeal by the Sudder Dewanny Adawlut from a decision passed in regular appeal by a subordinate Civil Court shall be held to bar a review of the judgment, passed by such subordinate Court in such regular appeal on a consideration of the *facts* of the case, provided that the party, considering himself aggrieved by such judgment, shall satisfy the Court in which the judgment in question was passed, that, owing to the discovery of new matter or evidence which was not within his knowledge or could not be adduced by him at the time when the judgment was passed, or owing to any other good and sufficient cause, the review solicited is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice.

4. And it is hereby enacted and provided, that, the rules above modified excepted, all other rules now in force, relative to applications for a review of judgment in regular original suits and appeals, shall be applicable to all applications for review of judgment, made under the provisions of this Act.

No. 1.

General Abstract Report of appeals depending before the Court of Sudder Dewanny Adawlut, North Western Provinces, on the 1st January, 1847, and of the number admitted and disposed of in the year 1846.

	Depending on 1st January, 1846.	Admitted in the last 12 months.	Total.	Decided on trial.			Remanded for re-trial.	Dismissed on default.	Adjusted or withdrawn.	Total.	Depending on 1st January, 1847.	Increase.	Decrease.
				Confirmed.	Reversed.	Modified.							
Regular Appeals, ...	85	63	148	46	16	10	13	4	2	91	57	0	28
Special Appeals, ...	32	103	135	21	22	6	51	0	0	100	35	3	0
Total 1846,.....	117	166	283	67	38	16	64	4	2	191	92	0	25
Total 1845,.....	133	225	358	62	50	27	83	9	10	241	117	0	16
Increase,.....	0	0	0	5	0	0	0	0	0	0	0		
Decrease,.....	16	59	75	0	12	11	19	5	8	50	25		

No. 1, Part 2,	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.
Judges, ...	2	26	2	74	4	100	2	16	1	20	0	6	0	32	0	0	0	0	3	74	1	26	0	0	1	0
P. S. Ameens,.....	83	6	61	29	144	35	44	5	15	2	10	0	13	19	4	0	2	0	88	26	56	9	0	3	27	0
Total,....	85	32	63	103	148	135	46	21	16	22	10	6	13	51	4	0	2	0	91	100	57	35	0	3	28	0

Specification of the value of appeals regular and special depending before the Court of Sudder Dewanny Adawlut, N. W. P. on the 1st Jany., 1847.

	Not exceeding		Amount or
	Rs., 300	15	Value, 1551
	,, ,, 1,000	13	,, 9344
	,, ,, 5,000	14	,, 44212
	,, ,, 10,000	27	,, 2,16042
	Excdg. 10,000	21	,, 11,34,532
	Total, ..	92	14,05,681

Memorandum shewing the number of cases finally disposed of and opinion not being final judgments recorded by the several Judges of the Sudder Dewanny Adawlut, in 1846.

	Final Judgments.		Opinions in				Total.	
	Regular.	Special.	Cases disposed of.		Cases not disposed of.			
			Regular.	Special.	Regular.	Special.		
Mr. B. Tayler,.....	15	19	8	6	2	1	51	Absent from 2nd May, to 30th November.
Mr. G. P. Thompson,..	29	22	26	43	2	0	122	Present throughout the year.
Mr. C. R. Cartwright,..	35	37	18	30	1	0	121	Took his seat on the 10th January.
Mr. A. W. Begbie,..	12	22	18	14	2	0	68	Took his seat on the 6th May, and continued till 30th Novr.
Total, ...	91	100	70	93	7	1	362	

Amount value of cases decided during the year, 25,56,283.

S. D. A., N. W. P.,
Agra, the 22nd June, 1847.

G. F. EDMONSTONE,

Register.

No. 2.

Abstract Report of causes depending on the 1st January, 1847, and of the number admitted and disposed of during the year 1846, in the several Civil Courts in the North Western Provinces.

1	2		3		4		5		6		7		8		9		10		11		12		13		14		* 15		16		17		18		19		20		21	
													FINALLY DISPOSED OF																											
													Decided on trial.																											
													For Plaintiff or Appellant.						For Defendant or Respondent.																			
	Pending on the 1st January, 1846.		Instituted during the year.		Received by transfer during the year.		Total.		Transferred to other Courts.		Remaining for trial.		On their merits.		Remanded for re-trial.		Total.		On their merits after summoning Respondent.		Without summoning Respondent under clause 3, section 16, Regulation V. 1831, section 2, Regln. IX. 1831, and Act VII. 1838.				Total.		Total of cases decided on trial.		Dismissed on default.		Adjusted or withdrawn.		Total of every description finally disposed of.		Pending at the end of the year.		Increase.		Decrease.	
																					On perusal of the petition of appeal and decree of the lower Courts.		On perusal of petition of appeal and record.															
	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.
Regulation Provinces, ..	*16889	2274	60498	6532	5606	2708	82990	11514	4975	2670	78015	8844	33667	1676	0	348	33667	2024	3111	2496	0	30	0	1266	3111	3792	41778	5816	6528	325	13946	151	62252	6292	15763	2552	0	278	1126	0
Hill Provinces, ...	1185	327	5678	737	867	41	7730	1105	857	14	6873	1091	1566	113	0	43	1566	156	498	113	0	253	0	113	498	479	2064	635	3021	61	604	29	5689	729	1184	366	0	39	1	0
Total, ...	18074	2601	66173	7269	6473	2749	90720	12619	5832	2684	84888	9935	35233	1789	0	391	35233	2180	3609	2609	0	283	0	1379	3609	4271	43842	6451	9549	386	14550	180	67941	7017	16947	2918	0	317	1127	0

COMPARATIVE ABSTRACT.

1845, ..	16034	1561	72481	7528	6765	3125	95280	13214	5120	3032	89160	10182	34941	2028	0	451	34941	2479	7649	2944	0	282	0	1328	7649	4554	42590	7033	10638	312	17921	236	71149	7881	18011	2601				
1846, ...	18074	2601	66173	7269	6473	2749	90720	12619	5832	2684	84888	9935	35233	1789	0	391	35233	2180	8609	2609	0	283	0	1379	8609	4271	43842	6451	9549	386	14550	180	67941	7017	16947	2918				
Increase, ...	2040	40	0	0	0	0	0	0	0	0	0	0	292	0	0	0	292	0	960	0	0	1	0	51	960	0	1252	0	0	74	0	0	0	0	0	317				
Decrease, ...	0	0	6308	259	292	376	4560	595	288	348	4272	247	0	239	0	60	0	299	0	335	0	0	0	0	0	283	0	582	1089	0	3371	56	3208	564	1064	0				

* In this number are erroneously included 63 suits, which were pending in the Moonsiffees of Jullaser and Muat of the date of their transfer from Allygurh to Agra, and which instead of being represented as pending at the beginning of 1846 should have been entered under the head of "Received by Transfer." The error was discovered too late to be corrected.

S. D. A., N. W. P.,
Agra, the 22nd June, 1847.

G. F. EDMONSTONE,
Register.

Statement of the Operations of the Civil Courts in the North Western Provinces classified with reference to the several grades of Officers.

	1	2		3		4		5		6		7		8		9		10		11		12		13		14		15		16		17		18		19		20		21	
		Pending on the 1st January, 1846.		Instituted during the year.		Received by transfer during the year.		Total.		Transferred to other Courts.		Remaining for trial.		FINALLY DISPOSED OF.																						Pending at the end of the year.		Increase.		Decrease.	
														Decided on trial.																											
														For Plaintiff or Appellant.						For Defendant or Respondent.																					
														On their merits.		Remanded for re-trial.		Total.		On their merits after summoning respondent.		Without summoning respondent under clause 3, section 16 Regulation V. 1831, section 2, Regulation IX. 1831, and Act VII. 1838.		On perusal of the petition of appeal and decree of the lower Courts.		On perusal of petition of appeal and record.		Total.		Total of cases decided on trial.		Dismissed on default.		Adjusted or withdrawn.		Total of every description finally disposed of.							
		Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.	Original Suits.	Appeals.
	19 Judges, ...	2	1675	63	6530	880	99	945	8304	936	2548	9	5756	0	884	0	304	0	1188	2	1127	0	30	0	1266	2	2423	2	3611	0	173	1	116	3	3900	6	1836	4	181	0	0
	22 Principal Sudder Ameens,	1027	599	2085	2	816	2609	3928	3210	122	122	3806	3088	1639	792	0	44	1639	836	689	1369	0	0	0	0	689	1369	2328	2205	841	152	332	59	2901	3292	905	696	0	97	122	0
	15 Sudder Ameens, ...	1736	0	5272	0	1353	0	8381	0	193	0	8188	0	3120	0	0	0	3120	0	985	0	0	0	0	0	985	0	4105	0	516	0	1726	0	6347	0	1841	0	85	0	0	0
	104 Moonsiffs, ...	14104	0	53075	0	2557	0	69736	0	3724	0	66012	0	28908	0	0	0	28908	0	6435	0	0	0	0	0	6435	0	35343	0	5771	0	11887	0	53001	0	13011	0	0	0	1093	0
	Total, ..	16889	2274	60495	6532	5606	2708	82990	11514	4975	2670	78015	8844	33667	1676	0	348	33667	2024	8111	2496	0	30	0	1266	8111	3792	41778	3816	6528	325	13946	151	62259	6292	15763	2552	0	278	1126	0
Kumaon and Subathoo.	1 Commissioner, ..	1	174	22	293	1	24	24	491	21	0	3	491	0	52	0	21	0	73	1	60	0	157	0	59	1	276	1	349	1	20	0	22	2	391	1	100	0	0	074	
	1 Sub-Commissioner, ..	1	0	2	23	0	0	3	23	0	0	3	23	1	1	0	6	1	7	0	15	0	0	0	0	0	15	1	22	0	0	1	0	2	22	1	1	0	1	0	0
	2 Senior Assistants, ..	113	150	1892	421	74	16	2079	587	770	12	1309	575	187	58	0	16	187	74	164	38	0	96	0	0	0	15	1	22	0	0	1	0	2	22	1	1	0	1	0	0
	1 Junior Assistant, ..	46	1	517	0	71	1	634	2	0	2	634	0	63	0	0	0	63	0	23	0	0	0	0	54	164	188	351	262	463	41	119	7	933	310	376	265	263	115	0	0
	1 P. S. Ameen, ..	0	0	545	0	0	0	545	0	0	0	545	0	236	0	0	0	236	0	43	0	0	0	0	0	23	0	86	0	416	0	16	0	518	0	116	0	70	0	0	1
	2 Sudder Ameens, ..	702	2	1743	0	358	0	2810	2	42	0	2766	2	552	2	0	0	552	2	185	0	0	0	0	0	43	0	279	0	184	0	82	0	545	0	0	0	0	0	0	0
	2 Moonsiffs, ...	322	0	957	0	356	0	1635	0	24	0	1611	0	527	0	0	0	527	0	82	0	0	0	0	0	185	0	737	2	1321	0	184	0	2242	2	526	0	0	0	176	2
																								0	0	82	0	609	0	635	0	202	0	1447	0	164	0	0	0	158	0
	Grand Total, ..	18074	2601	66178	7269	5473	2749	90720	12619	5832	2684	84888	9935	35233	1789	0	391	35233	2180	8609	2609	0	283	0	1379	8609	4271	43842	6451	9549	386	14550	180	67941	7017	16947	2918	0	317	1127	0

S. D. A., N. W. P.,
Agra, the 22nd June, 1847.

G. F. EDMONSTONE,

Register.

No. 3.

Abstract Statement shewing the years in which were originally instituted Regular Suits and Appeals depending before the Sudder Dewanny Adawlut, the Judges, Principal Sudder Ameens, Sudder Ameens and Moonsiffs in the North Western Provinces on the 1st of January, 1847.

	1819.		1840.		1841.		1842.		1843.		1844.		1845.		1846.		Total.	
	Regular Suits.	Appeals.	Regular Suits.	Appeals.	Regular Suits.	Appeals.	Regular Suits.	Appeals.	Regular Suits.	Appeals.	Regular Suits.	Appeals.	Regular Suits.	Appeals.	Regular Suits.	Appeals.	Regular Suits.	Appeals.
Sudder Dewanny Adawlut, North Western Provinces, ...	0	0	0	0	0	0	0	0	0	0	0	0	0	14	0	78	0	92
Regulation Provinces, ..	2	0	0	0	0	0	0	1	0	0	6	1	41	23	15467	2527	*15516	2552
Hill Provinces, ...	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1183	365	1184	366
Total, ...	2	0	0	0	0	0	0	1	0	0	6	1	42	38	16650	2970	16700	3010

* The difference between this entry and that in Column 19 of Statement No. 2, is attributable to an error in the preparation of the Moradabad Statement discovered too late for correction—247 suits, which were pending in the Moonsiffees of Suheswan and Islamnuggur at the time of their transfer to Bareilly, have been twice accounted for once in the Moradabad and again in Bareilly Statement.

G. F. EDMONSTONE,
Register.

S. D. A., N. W. P.,
Agra, the 22nd June, 1487.

No. 4.

Statement shewing the period which would elapse before the decisions of the Regular Suits depending on the 1*st January,* 1847, *if calculated according to the total number disposed of in the several Courts in the North Western Provinces, during the year* 1846.

	Depending on the 1st January, 1847.	Disposed of during the year 1846.	Average period which would elapse before the decisions of the number of suits depending in each Court according to the foregoing Statement of the number disposed of in the past year.
Sudder Dewanny Adawlut, ...	92	191	5·780 months.
Zillah Judges, ...	1862	3903	5·724 months.
Principal Sudder Ameens, ...	1601	5293	3·629 months.
Sudder Ameens, ...	1841	6347	3·480 months.
Moonsiffs, ...	13011	53001	2·945 months.
Total, ...	18407	68735	3·213 months.
Kumaon, ...	1548	5845	3·178 months.
Subathoo, ...	2	569	0·042 months.
Total, ...	19957	75149	3·186 months.

COMPARATIVE ABSTRACT.

1845, ...	20729	78971	3·149 months.
1846, ...	19057	75149	3·186 months.

S. D. A., N. W. P.,
Agra, the 22*nd June,* 1847.

G. F. EDMONSTONE,
Register.

No. 5.

Abstract Statement shewing the total value or amount of Regular Suits whether original or in appeal depending in the several Civil Courts in the North Western Provinces, on the 1st January, 1847.

	Original Suits.					Appeals.			
	Judges.	Principal Sudder Ameens.	Sudder Ameens.	Moonsiffs.	Total.	Judges.	Principal Sudder Ameens.	Total.	Grand Total.
	Total value of cases pending at the close of 1846.	Total value of cases pending at the close of 1846.	Total value of cases pending at the close of 1846.	Total value of cases pending at the close of 1846.	Total value of cases pending at the close of 1846.	Total value of cases pending at the close of 1846.	Total value of cases pending at the close of 1846.	Total value of cases pending at the close of 1846.	Total value of cases pending at the close of 1846.
Sud. Dy. Adwt., N. W. P., ..	0	0	0	0	0	0	0	1405681	1405681
Reg. Provinces,	19590	2561978	467886	996091	4045545	630104	62624	692728	4738273
Hill Provinces,	2914	27514	15221	3816	49465	8013	7541	15554	65019
Total, ..	22504	2589492	483107	999907	4095010	638117	70165	2113963	6208973

COMPARATIVE ABSTRACT.

1845, ...	7936	3122287	413964	953909	4498096	697641	67669	3449298	7947394
1846, ...	22504	2589492	483107	999907	4095010	638117	70165	2113963	6208973
Increase,.....	14568	0	69143	45998	0	0	2496	0	0
Decrease, ...	0	532795	0	0	403086	59524	0	1335335	1738421

S. D. A., N. W. P.,
Agra, the 22nd June, 1847.

G. F. EDMONSTONE,
Register.

No. 6.

Abstract statement required by the Government resolution under date the 19*th May* 1825.

	Abstract statement of regular suits instituted in 1846, with the view of setting aside summary suits.	Number of cases which the Moonsiffs were precluded from receiving in consequence of the claim being advanced *in formâ pauperis*.	Total.
Regulation Provinces, ...	423	6	429
Hill Provinces, ...	0	0	0
Total, ...	423	6	429

COMPARATIVE ABSTRACT.

1845, ...	516	75	591
1846, ...	423	6	429
Increase, ...	0	0	0
Decrease, ...	93	69	162

G. F. EDMONSTONE,
Register.

S. D. A., N. W. P.,
Agra, the 22*nd June,* 1847.

No. 7.

Abstract Statement of Civil Suits tried with the assistance of Natives under Regulation VI. of 1832, *during the year* 1846.

	Suits tried with the assistance of a Punchayut.			*Suits tried with the assistance of Assessors.*			*Suits tried with the assistance of a Jury.*			Remarks.
	Number decided in accordance with the award of the Punchayut.	Number decided contrary to the award of the Punchayut.	Total.	Number decided in accordance with the award of the Assessors.	Number decided contrary to the award of the Assessors.	Total.	Number decided in accordance with the verdict of the Jury.	Number decided contrary to the verdict of the Jury.	Total.	
Regulation Provinces, ..	69	1	70	3	1	4	71	6	77	
Hill Provinces, ...	28	1	29	9	0	9	0	0	0	
Total, ...	97	2	99	12	1	13	71	6	77	

COMPARATIVE ABSTRACT.

1845, ...	101	3	104	28	0	28	43	3	46	
1846, ...	97	2	99	12	1	13	71	6	77	
Increase, ...	0	0	0	0	1	0	28	3	31	
Decrease, ...	4	1	5	16	0	15	0	0	0	

S. D. A., N. W. P.,
Agra, the 22nd June, 1847.

G. F. EDMONSTONE,
Register.

No. 8.

Abstract Statement of the different descriptions of original suits instituted before the several Judges, Principal Sudder Ameens, Sudder Ameens, and Moonsifs in the North Western Provinces, during the year 1846.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
	Suits connected with land interest.	Suits for real property on conveyance by sale.	Suits for real property on conveyance by gift.	Ditto ditto by mortgage.	Ditto ditto by will.	Ditto ditto by Dowry.	Ditto ditto on right of pre-emption.	Inheritance under the Mahomedan Law.	Ditto Hindoo Law.	Claims in right of adoption.	Lakhiraj Suits under section 30, Regulation II. 1819.	Suits regarding puttee and other dependant tenures.	Suits to contest sales by Collectors for arrears of Government dues.	Suits for land not before included, such as boundary Suits, &c.	Debts on bond or otherwise.	Suits of bankers or traders.	Religious Suits connected with Caste, rights of Priests, &c.	Damages for breach of contract.	For recovery of money embezzled.	Wages.	Suits connected with Indigo, Sugar, Silk and other staple products.	Suits for personal property not before included.	Suits for defamation of character.	Remarks.
Regulation Provinces, ...	6163	2022	91	961	4	43	118	426	695	9	10	892	28	1340	36380	5652	92	288	309	319	707	3943	0	
Hill Provinces, ...	642	54	5	56	0	12	3	59	612	4	0	330	0	3	2757	433	16	50	26	54	290	271	1	
Total, ...	6805	2076	96	1017	4	55	121	485	1307	13	10	1222	28	1343	39137	6085	108	338	335	373	997	4214	1	
S. D. A., instituted in 1846	31	12	2	12	0	1	1	6	9	0	0	0	3	0	38	14	2	3	0	8	5	19	0	
Disposed of, ...	34	13	1	22	0	3	2	11	9	0	0	3	2	0	40	13	2	8	0	7	2	19	0	

COMPARATIVE ABSTRACT.

1845, ...	7568	2135	133	1155	20	57	215	416	1339	23	23	797	43	1094	44142	6683	82	551	252	387	1087	4276	3	
1846, ...	6805	2076	96	1017	4	55	121	485	1307	13	10	1222	28	1343	39137	6085	108	338	335	373	997	4214	1	
Increase, ...	0	0	0	0	0	0	0	69	0	0	0	425	0	249	0	0	26	0	83	0	0	0	0	
Decrease, ...	763	59	37	138	16	2	94	0	32	10	13	0	15	0	5005	598	0	213	0	14	90	62	2	

S. D. A., N. W. P.,
Agra, the 22nd June, 1847.

G. F. EDMONSTONE,
Register.

No. 9.

Abstract Statement of the appellate jurisdiction of the several tribunals in the North Western Provinces, shewing what number of decrees in each class of them was appealable, appealed, affirmed, altered or reversed, during the year 1846.

	Description of Cases.	1	2	3	4	5	6	7	8		9		10		11				12				13		
		Original Suits and First Appeals. Number appealable.				Proportion.			Number pending at the end of 1845.		Number appealed during the year, 1846.		Total number under Trial during the year 1846.		First and second Appeals. Number confirmed.				Number modified or reversed.				Total decided during the year.		
		Cases decided on full trial.	Cases decided ex parte.	Cases decided on confession of judgment.	Total.	Of Column 9 to Column 1.	Of Column 9 to Column 1 and 2.	Of Column 9 to Column 1, 2 and 3.	Before Sudder Dewanny Adawlut.	Before Zillah Authorities.	To Sudder Dewanny Adawlut.	To Zillah Authorities.	Before Sudder Dewanny Adawlut.	Before Zillah Authorities.	By Sudder Dewanny Adawlut.	By Judge.	By P. S. Ameen.	Total.	By Sudder Dewanny Adawlut.	By Judge.	By P. S. Ameen.	Total.	By Sudder Dewanny Adawlut.	By Zillah Authorities.	
									Reg. Spl.		Reg. Spl.		Reg. Spl.		Reg. Spl.				Reg. Spl.				Reg. Spl.		
Regulation Provinces,	Original suits and appeals,	25768	9101	12725	47594	26·14	19·31	14·36	85	32 2274	63	103 6570	148	135 8844	46	21 2423	369	3792	39	79 1188	836	2024	85	100	5816
Hill Provinces,	Ditto,	2071	367	261	2699	36·69	31·33	28·3	0	0 327	0	0 764	0	0 1091	0	0 291	188	479	0	0 80	76	156	0	0	635
	Total,	27839	9468	12986	50293	26·34	19·65	14·58	85	32 2601	63	103 7334	148	135 9935	46	21 2714	1557	4271	39	79 1268	912	2180	85	100	6451
106 Moonsiffs,	Original Suits,	16262	7897	11793	35952	32·92	22·2	14·92	0	0 1665	0	0 3365	0	0 7030	0	0 1777	1336	3113	0	0 745	793	1538	0	0	4651
17 Sudder Ameens,	Ditto,	2982	1014	848	*4844	31·32	23·37	19·28	0	0 389	0	0 934	0	0 1323	0	0 228	221	449	0	0 150	119	269	0	0	718
26 Principal Sudder Ameens,	Ditto,	2214	488	342	3044																				
	Appeals,	2395	69	3	2467	24·4	21·27	20·41	83	6 547	61	29 1035	144	35 1582	44	5 709	0	709	38	21 373	0	373	82	26	1082
21 Judges,	Original Suits,	4	0	0	4	1·9	1·9	1·9	2	26 0	2	74 0	4	100 0	2	16 0	0	0	1	58 0	0	0	3	74	0
	Appeals,	3962	0	0	3962																				
	Total,	27839	9468	12986	50293	26·34	19·65	14·58	85	32 2601	63	103 7334	148	135 9935	46	21 2714	1557	4271	39	79 1268	912	2180	85	100	6451

* In this number are included 2 appeals heard by the Sudder Ameen of Kumaon, from Moonsiff's decisions.

1.—Memorandum shewing the proportion in which the Regular and Special Appeals from the decisions of the Principal Sudder Ameens, have been confirmed or reversed by the Judges in the year, 1846.

	Regular Appeals.	Special Appeals.
Confirmed,	576	133
Reversed,	348	25
Total,	924	158

2. Memorandum shewing the proportion in which appeals from the decisions of the Sudder Ameens and Moonsiffs have been confirmed or reversed by the Judges and Principal Sudder Ameens in the year, 1846.

	Confirmed.	Reversed
Appeals disposed of by the Judges,	2005	895
By the Principal Sudder Ameens,	1557	912
Total,	3562	1807

COMPARATIVE ABSTRACT.

1845,	27070	9479	12813	49362	28·96	21·45	15·88	86	47 2561	98	121 7621	184	168 10182	29	33 2690	1664	4554	53	107 1364	1115	2479	82	140	7033
1846,	27839	9468	12986	50293	26·34	19·65	14·58	85	32 2601	63	103 7334	148	135 9935	46	21 2714	1557	4271	39	79 1268	912	2180	85	100	6451
Increase,	769	0	173	931	0	0	0	0	0 40	0	0 0	0	0 0	17	0 24	0	0	0	0 0	0	0	3	0	0
Decrease,	0	11	0	0	0	0	0	1	15 0	35	18 287	36	33 247	0	12 0	307	283	14	28 96	203	299	0	40	582

S. D. A., N. W. P.,
Agra, the 22nd June, 1847.

G. F. EDMONSTONE
Register.

No. 10.

Abstract numerical statement of applications for the execution of decrees pending and instituted before and disposed of in the several Civil Courts in the North Western Provinces, during the year 1846.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
		Brought on the file during the year.				Disposed of.					Specification of the years in which the cases in Column 11 were filed or re-admitted.						Explanation of the cause of delay in the execution of decrees which have been on the file, for one year or more.					
	Total pending on 1st January, 1846.	Newly instituted.	Re-admitted.	Received by transfer.	Total filed in 1846.	Grand Total.	Cases struck off the file, the decree having been completely executed on the decree-holder, after taking out execution, having filed a *razeenamah*.	Cases struck off the file after partial enforcement, the decree-holder having omitted to proceed with the execution within the prescribed period by pointing out further property liable for the decree, or by taking other steps in execution of it.	Cases struck off the file without any part of the decree being carried into effect, owing to the decree-holder having after taking out execution, failed to proceed in the matter within the prescribed period.	Transferred to other Courts.	Total of every description disposed of.	Pending on the 31st December, 1846.	Before 1841.	In 1842.	In 1843.	In 1844.	In 1845.	In 1846.	Duc-tuck issued or defendant not found or list of property not given or other neglect of the plaintiff.	Property under sale by the Collector or other officer, or money sent for from the Collector's office.	Under objections to sale, &c., and under enquiry if appealed or not.	Property under investigation.	Notice or Duc-tuck issued and not yet returned.	
Regulation Provinces, ...	10812	28538	15808	1804	46150	56962	15835	8457	20527	1764	46613	10349	0	0	0	2	22	10325	3	13	5	2	1	
Hill Provinces, ...	272	1309	156	359	1824	2096	758	171	484	355	1768	328	0	0	0	0	0	328	0	0	0	0	0	
Total, ...	11084	29847	15964	2163	47974	59058	16593	8658	21011	2119	48381	10677	0	0	0	2	22	10653	3	13	5	2	1	

COMPARATIVE ABSTRACT.

1845, ...	10805	30479	18462	2336	51277	62082	18255	10251	20543	2250	51299	10783	0	0	0	0	23	10760	6	13	2	1	1	
1846, ...	11084	29847	15964	2163	47974	59058	16593	8658	21011	2119	48381	10677	0	0	0	2	22	10653	3	13	5	2	1	
Increase, ...	279	0	0	0	0	0	0	0	468	0	0	0	0	0	0	2	0	0	0	0	3	1	0	
Decrease, ...	0	632	2498	173	3303	3024	1662	1593	0	131	2918	106	0	0	0	0	1	107	3	0	0	0	0	

S. D. A., N. W. P.,
Agra, the 22nd June, 1847.

G. F. EDMONSTONE,
Register.

No. 11.

General Abstract of the most important summary and miscellaneous suits disposed of by the Judges, Principal Sudder Ameens, Sudder Ameens, and Moonsiffs during the year 1846, *and depending on the* 1st *January*, 1846 *and* 1847, *respectively.*

	Depending on the 1st January 1846.								Disposed of during the year 1846.								Depending on the 1st January 1847.							
	Petitions for review of judgment under clause 2, section 4, Regulation XXVI. 1814, and section 2, Regulation II. 1825.	Petitions for summary appeals under clause 4, section 3, Regulation XXVI. 1814 and Act No. XXII. 1838, and petitions under Act. XVI. of 1845.	Petitions of miscellaneous and interlocutory appeals	Petitions of appeal under clause 5, section 3, and clause 2, section 5, Regulation VII. 1825.	Petitions of appeal under section 7, Regulation VII. 1832, and section 5, Act VI. 1843, and petitions of appeal from orders of fine.	Petitions for the redemption and foreclosing of mortgages under section 2, Regulation I. 1798, and section 8, Regulation XVII. 1806.	Applications for the execution of decrees and petitions from parties objecting to orders passed in the execution of decrees.	Total.	Petitions for review of judgment under clause 2, section 4, Regulation XXVI. 1814 and section 2, Regulation II. 1825.	Petitions for summary appeals under clause 4, section 3, Regulation XXVI. 1814, and Act No. XXII. 1838, and petitions under Act XVI. of 1845.	Petitions of miscellaneous and interlocutory appeals.	Petitions of appeal under clause 5, section 3, and clause 2, section 5, Regulation VII. 1825.	Petitions of appeal under section 7, Regulation VII. 1832, and section 5, Act VI. 1843 and Petitions of appeal from orders of fine.	Petitions for the redemption and foreclosing of mortgages under section 2, Regulation I. 1798, and section 8, Regulation XVII. 1806.	Applications for the execution of decrees and petitions from parties objecting to orders passed in the execution of decrees.	Total.	Petitions for review of judgment under clause 2, section 4, Regulation XXVI. 1814, and Section 2, Regulation II. 1825.	Petitions for summary appeals under clause 4, section 3, Regulation XXVI. 1814, and Act No. XXII. 1838, and petitions under Act XVI. of 1845.	Petitions of miscellaneous and interlocutory appeals.	Petitions of appeal under clause 5, section 3, and clause 2, section 5, Regulation VII. 1825.	Petitions of appeal under section 7, Regulation VII. 1832, and section 5, Act VI. 1843 and petitions of appeal from orders of fine.	Petitions for the redemption and foreclosing of mortgages under section 2, Regulation I. 1798, and section 8, Regulation XVII. 1806.	Applications for the execution of decrees and petitions from parties objecting to orders passed in the execution of decrees.	Total.
Regulation Provinces, ...	31	123	11	34	507	56	11034	11796	190	555	164	168	2005	799	48819	52710	31	85	21	38	307	80	10535	11097
Hill Provinces, ...	0	0	46	0	0	0	275	321	8	0	164	0	0	0	1796	1968	0	0	18	0	0	0	331	349
Total,.....	31	123	57	34	507	56	11309	12117	198	555	328	168	2005	799	50615	54678	31	85	39	38	307	80	10866	11446
Judges, ...	26	123	57	34	507	56	115	920	125	555	328	168	2005	799	1173	5163	26	85	39	38	307	80	119	694
Principal Sudder Ameens,..	3	0	0	0	0	0	1805	1808	73	0	0	0	0	0	8675	8748	5	0	0	0	0	0	1727	1732
Sudder Ameens, ...	0	0	0	0	0	0	751	751	0	0	0	0	0	0	2617	2617	0	0	0	0	0	0	893	893
Moonsiffs, ...	0	0	0	0	0	0	8638	8638	0	0	0	0	0	0	38150	38150	0	0	0	0	0	0	8127	8127
Total,.....	31	123	57	34	507	56	11309	12117	198	555	328	168	2005	799	50615	54678	31	85	39	38	307	80	10866	11446

COMPARATIVE ABSTRACT.

					*								*						*				
1845,....	56	77	111	193	0	0	11004	11441	236	544	1214	1135	0	0	53572	56703	33	119	337	227	0	0	10992	11708
1846,....	31	123	57	34	507	56	11309	12117	198	555	328	168	2005	799	50615	54678	31	85	39	38	307	80	10866	11446
Increase,.....	0	46	0	0	0	0	305	676	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Decrease,.....	25	0	54	159	0	0	0	0	40	0	886	967	0	0	2957	2025	2	34	298	189	0	0	126	262

* These headings having been introduced in the present year, no comparative results can be shewn.

S. D. A, N. W. P.,

Agra, the 22nd June, 1847.

G. F. EDMONSTONE,

Register.

No. 12.

Abstract shewing the result of Miscellaneous and Summary Appeals from the decisions of the Zillah Judges preferred to the Sudder Dewanny Adawlut, during the year 1846.

	Applications for the admission of special appeals.								Summary appeals under Regulation XXVI. 1814, Section 3.							Summary appeals under Regulation VII. 1825.							All other miscellaneous appeals.							
	Pending 1st January, 1846.	Preferred in 1846.	Total.	Admitted.	Re-admitted on petition for review of order.	Rejected.	Struck off or otherwise disposed of.	Pending 1st January, 1847.	Pending 1st January, 1846.	Preferred in 1846.	Total.	Decisions of the lower Courts. Confirmed.	Decisions of the lower Courts. Reversed.	Decisions of the lower Courts. Struck off or otherwise disposed of.	Pending 1st January, 1847.	Pending 1st January, 1846.	Preferred in 1846.	Total.	Decisions of the lower Courts. Confirmed.	Decisions of the lower Courts. Reversed.	Decisions of the lower Courts. Struck off or otherwise disposed of.	Pending 1st January, 1847.	Pending 1st January, 1846.	Preferred in 1846.	Total.	Decisions of the lower Courts. Confirmed.	Decisions of the lower Courts. Reversed.	Decisions of the lower Courts. Struck off or otherwise disposed of.	Pending 1st January, 1847.	Miscellaneous business arising in and disposed of by S. D. Adawlut.
Regulation Provinces, .	105	445	550	102	1	269	50	128	2	7	9	2	6	1	0	0	5	5	4	1	0	0	186	543	729	202	135	222	170	5
Hill Provinces, ...	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0
Total, ..	105	446	551	102	1	269	51	128	2	7	9	2	6	1	0	0	5	5	4	1	0	0	186	544	730	203	135	222	170	70

COMPARATIVE ABSTRACT.

1845, ..	144	617	761	123	0	453	80	105	6	15	21	12	7	0	2	1	1	2	1	0	1	0	216	1294	1510	321	118	885	186	426
1846, ..	105	446	551	102	1	269	51	128	2	7	9	2	6	1	0	0	5	5	4	1	0	0	186	544	730	203	135	222	170	705
Increase,..	0	0	0	0	1	0	0	23	0	0	0	0	0	1	0	0	4	3	3	1	0	0	0	0	0	0	17	0	0	276
Decrease,..	39	171	210	21	0	184	29	0	4	8	12	10	1	0	2	1	0	0	0	0	1	0	30	750	780	118	0	663	16	0

S. D. A., N. W. P.,
Agra, the 22nd June, 1847.

G. F. EDMONSTONE,
Register.

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